



TOWN OF  
**BRECKENRIDGE**

**Planning Commission Meeting Agenda**

Tuesday, November 3, 2020, 5:30 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

**Please Note: This will not be an in-person meeting. The meeting will be conducted remotely via an online portal. For more information, including how to participate, please visit [www.townofbreckenridge.com](http://www.townofbreckenridge.com), Your Government, Councils and Commissions, Planning Commission.**

**5:30pm - Call to Order of the November 3, 2020 Planning Commission Meeting; 5:30pm Roll Call**

*Location Map* 2

*Approval of Minutes* 4

*Approval of Agenda*

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

**5:40pm - Planning Commission Chair and Vice Chair Nominations**

**5:45pm - Consent Calendar**

1. Breckenridge Distillery Pavilion (JL), 1925 Airport Rd., PL-2020-0465 13

**5:50pm - Combined Hearings**

1. Parkway Center Parking Lot Variance (JL), 410 North Park Avenue, PL-2020-0443 40  
(Continued from October 20th Meeting)

**6:20pm - Preliminary Hearings**

1. Adams Place Townhouses Redevelopment (CL) 105 E. Adams Avenue, 64  
PL-2020-0299

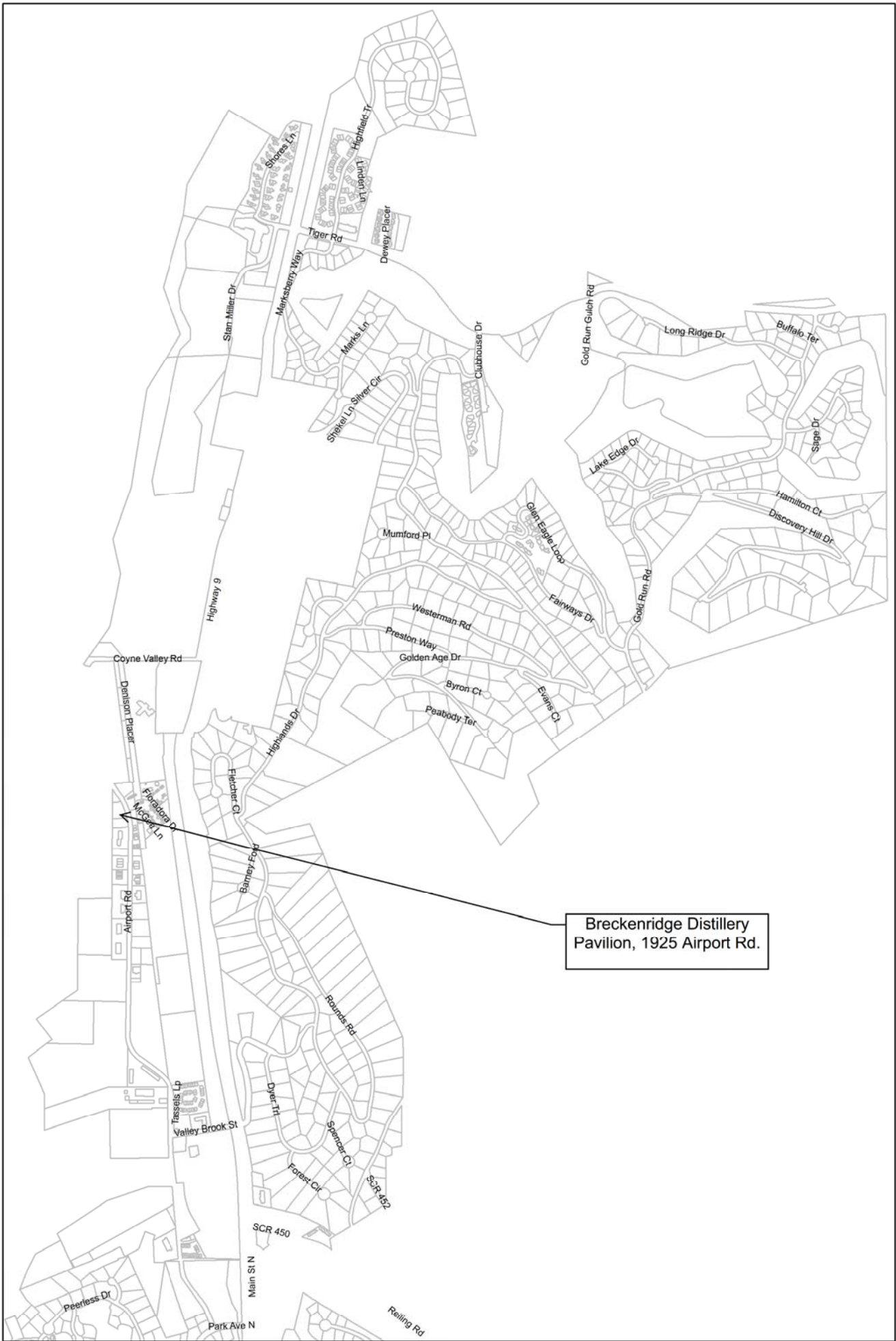
**7:00pm - Other Matters**

1. Town Council Summary (Memo Only) 97

**7:05pm - Adjournment**

**For further information, please contact the Planning Department at (970) 453-3160.**

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



Breckenridge Distillery Pavilion, 1925 Airport Rd.



**Breckenridge South**



Parkway Center  
Parking Lot  
Variance, 410 N.  
Park Avenue

Adams Place Townhouses  
Redevelopment, 105 E.  
Adams Avenue

## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Gerard. The meeting was a virtual electronic meeting through the Zoom platform, as a result of the COVID-19 crisis.

### ROLL CALL

Christie Mathews-Leidal  
Mike Giller

Ron Schuman  
Steve Gerard

Jay Beckerman  
Lowell Moore

### APPROVAL OF MINUTES

With the below changes, the October 6, 2020 Planning Commission Minutes were approved.

Mr. Gerard: On the bottom of page 7 of the packet, my sentence began with “second floor area with outside entrance.”

### APPROVAL OF AGENDA

With no changes, the October 20, 2020 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

### WORK SESSIONS:

#### 1. St. Mary’s Heated Sidewalks (JL)

Mr. Schuman disclosed he has spoken with the deacon about the project, and that he had previously been the property manager there and was familiar with the proposal and property.

Ms. Leidal disclosed she had a conversation with the deacon before the application was put in, and she talked about the code and reviewed Policy 33 with him.

Mr. Gerard suggested there were no conflicts since this was just a work session, but it would be revisited if the project came to Commission as a hearing. The Commission agreed.

Mr. Lott presented a proposal to add three areas of heated sidewalk at St. Mary’s church. The Commission was asked if they support waiving negative points for the project on the basis of safety of the general public in high traffic areas.

#### *Commissioner Questions / Comments:*

Ms. Leidal: If this was a business wanting to do this, would it be allowed? And if we assign negative points, are there other possibilities for positive points? (Mr. Lott: To offset points, there could potentially be some sort of energy upgrades to the building.)

Mr. Giller: Can you clean up the front façade? There’s boxes in the clear story window on the front façade, and curtains pulled to the side. It doesn’t reflect well on the historic primary elevation. A little TLC could potentially gain them a point or two to offset. (Mr. Lott: We’d have to review the scope of work proposed and that could potentially come back in front of the Commission.)

Mr. Beckerman: I’m unfamiliar with how these negative points work with this, but if the Commission was to say we were not supportive, would it be negative points for all these areas? (Mr. Lott: Negative points assessed are based on the total square footage amount.) Why is it frowned upon in our alpine environment to have heated areas? (Mr. Lott: Heating



the concrete is energy intensive, and that is why negative points are assessed under the energy conservation policy.) Could they offset with solar panels? (Mr. Lott: Maybe if the system is directly connected and the solar was dedicated to the snowmelt system. There are some options for positive points.) Would love to see something really good come out of this to encourage storefronts to be safer that might be energy neutral or less negative. If they could use solar energy then that would be a great outcome.

Mr. Schuman: In 2011 remodel, did they do a HERS? (Mr. Lott: Not sure but just submitting a HERS analysis is no longer valid for one positive point under code revisions.)

Mr. Gerard: At St. John's, we talked about the sidewalk being a pathway to the library.

Mr. Dan Radgowski, Representative for St. Mary's:

A couple points I wanted to bring up. The sidewalk is a much higher traffic area than the front. We are currently heating the first ten feet of that sidewalk with a very dated electric heater, and a new system would be much more efficient than that. We are hopeful we can get that point waived. Tolin Mechanical is ready to get that done. With the weather coming, we should have done this a few months ago. This is a time sensitive project and we'd like to have it done before winter.

Mr. Moore: Has anyone ever gotten hurt out there? (Mr. Radgowski: Yes people have slipped. Just a matter of time until someone gets seriously hurt out there.)

Ms. Leidal: No questions.

Mr. Giller: Is there other work you can pair with this so we're all compliant with the code? (Mr. Radgowski: I can move the boxes out of the window tomorrow.) I want to be careful with the suggestion I made because it's not in the code, but I'd like to think we can pair this with something that can get you a positive point or two. (Mr. Radgowski: With the weather coming, we should have done this a few months ago. Time sensitive project with the concrete and we want to have this done before winter. My understanding of the code was that since these areas are such high traffic we would have the negative points waived. And we just got the funding figured out in late September which is why we did not contact the Town sooner.)

Mr. Gerard: Is that first ten feet of heated sidewalk you mentioned shown on the diagram? (Mr. Radgowski: Yes, and we just leave it on 24/7.)

Mr. Moore: I have mixed feelings about it. Health safety issue and understand energy regulations. It looks really difficult to get a positive point. Concerned about places like this having a slip and fall. Similar to St. John's although no easement. In favor of zero points based on health and safety but not in favor of the pink or public sidewalk, ok with blue and yellow areas.

Ms. Leidal: Agree with Lowell. This is a difficult project to figure out. I have walked on the sidewalk before, so I'm familiar with it. There is no easement and it is not going to a public area beyond deliveries. I agree with staff analysis but am concerned about precedent. What if every business in Town wants this? Once we open this up, it will get out of control in Town. My other thought is if this could be considered institutional use.

- Mr. Giller: I agree with staff. We can't do this within the code as it's written. The timing is unfortunate and we shouldn't be rushing this.
- Mr. Beckerman: I support staff and allowing the heating of the blue area. Yellow would have negative points.
- Mr. Schuman: The two roofs shed in the yellow area. Well aware of safety but concerned about the code and that we could potentially be opening Pandora's Box. If heating concrete as proposed, then they should figure out a way to make up the point. Its not general public purpose.
- Mr. Gerard: This is not public area because only used by members of the church. St. John's was on an easement and went to the public library. This could establish really bad precedent for any property owner. I think it would take negative points. Not sure it fits into a legal exception. (Mr. Truckey: Staff was supporting the blue area without points. Is PC ok with that?) Not sure that was the case.
- Mr. Gerard: Take a vote on the blue section with zero points:  
Moore: No, precedent is important.  
Leidal: I agree with Lowell and don't support.  
Giller: Agree the others, we can't do it.  
Beckerman: I agree with staff that it shouldn't be assessed a point.  
Schuman: Deserves negative one point.  
Gerard: This should take negative one point.

**CONSENT CALENDAR:**

1. Chalfant Addition and Remodel (JL), 85 Rounds Rd., PL-2020-0412

With no call ups, the Consent Calendar was approved as presented.

**COMBINED HEARINGS:**

1. Parkway Center Parking Lot Variance (JL), 410 N. Park Avenue, PL-2020-0443

Mr. Lott presented a proposal to install a temporary parking lot with up to 165 spaces to help alleviate skier parking demand near the Gondola. The proposal includes requests for a variance from Policies 22A and 27A, as well as Design Standards for Off-Street Parking Facilities.

*Commissioner Questions / Comments:*

- Mr. Moore: Is this going to be paid parking? (Lott: I am assuming it is). (Gareth Lloyd, Operating Partner of Interstate Parking Colorado, DBA Breck Park: Yes, it will be the same customer experience that we use throughout the Town.)
- Mr. Leidal: I appreciate the finding for 7/R that it is irrelevant but would suggest that 18/R be added for parking out of view. How does this operate and what about circulation? (Mr. Lloyd: We operate North Gondola lot across the street very similar. Kiosks, apps, QR codes, staff on site directing customers, control drive aisle. Doing that for 3 years now so replicate same business model.) Signage or is there enough room. Does not look like it for 2 way traffic. (Currently egress and ingress, but likely will have staff on site during peak periods to ensure the flow is continuous so we don't have backups.
- Mr. Giller: It appears the only way for skiers to get out of the lot is to go over to Park Avenue and

down. Could you walk us through what you anticipate the pedestrian route to be and how that will be safe and have signs? (We have structured so the pinch points for pedestrians are easy and accessible. Employees will continually direct people. We will have a spot on the southeast corner and there will also be a sidewalk for people to get to crosswalk.) (Mr. Lott: The sidewalk is part of staff recommendation.) The drawing is not clear and it needs to be cleaned up. It looks like the buck and rail fence is on top of the sidewalk. (Staff will meet on site and field fit everything) I encourage you to clarify drawings.

Mr. Beckerman: It is going to be a temporary parking lot. Gareth has proven to be a great operator. I feel confident in the operations. What happens at the intersection when heading north into that City Market parking lot if you have a backup trying to take left turns while others are trying to get the store? You could have people have walking in ski boots and drivers getting road rage and I see an opportunity for disaster if this is not planned well. This needs to be plotted on paper with directional traffic with arrows. Are there any ways for prohibiting pedestrians from taking ways that could be dangerous versus winging it. There could be a lot of guests crossing French street at 8:30 in the morning a. We need to make safety a #1 priority. Remember that guests are going to take path of least resistance which might not be the one you design for them.

Mr. Schuman: Is the plan to close Main St. next summer? (Mr. Lott: I don't know, that decision has yet to be made by the Town Council.) This is a temporary solution for the ski season but are we giving them a year because there are other things, like the closure of Main Street? We made it though summer but I don't doubt that we need this parking lot. I'm curious of the overlying reason that we are giving them full year. In my mind give them the ski season and be out by May 1<sup>st</sup>. There will be no overnight parking, correct? (Mr. Lloyd: Correct. Just to address your comments with Main Street closed, the North Gondola Lot often filled up on Fridays, Saturdays, and Sundays and it caused people to drive around looking for parking elsewhere and caused traffic on side streets. This will have a lot of value in season and during summer times.) I have to say that this depiction from the parking plan is extremely poor. No real key as to where entrances and exits are. You cannot allow people to enter parking lot on that street. There needs to be another entry somewhere else. There are going to be a lot of frustrated people. A five foot sidewalk is not adequate. We have all seen groups of people walking 2-3 abreast and trying to get around them. This is an extremely poor plan on paper. You should have better ingress and egress. This plan will cause a lot of chaos and frustration. The plan is not a good depiction of what we want to accomplish.

Mr. Gerard: I have concern about the use. What is to prevent overnight parking? I would feel a lot more comfortable about this if there was a condition added prohibiting overnight parking or vehicle storage. When I'm looking at this drawing and without knowing how narrow the alley to the grocery store is, I'm wondering if the entrance would be better off French street to help keep Park Avenue people out of that intersection. Would there be a reason to not cut curb temporarily? (Mr. Lott: I think it is because of CDOT) (Mr. Kulick: The entrance is shown in the area where there was a previous curb cut. There are certain distance requirements from intersections. I'm guessing it has something to do with that. We could run the question by Public Works.)

Mr. Giller: That entrance may be the best location.

Mr. Lloyd: We already prohibit overnight parking in at most locations where we monitor overnight

and issue citations. We manage the City Market parking lot and have eradicated the overnight parking issue there.

- Mr. Gerard: Will there be a price differential between this and the other lots around here: (We always post the price at the entrance of the lot. We are running approximately 12 locations. For the congestion question: We feel that we had a very similar entrance at the South Gondola lot, across from the Transit Center entrance there so there was a lot of congestion. The beauty of the system we manage is that these lots are park and play. We get traffic in quickly and have staff flag cars to placate the congestion. As soon as full we will close off the entrance so people can move forward and go straight into Gold Rush Lot across Park Avenue.)
- Mr. Beckerman: Is it my understanding that other lots will not be open simultaneously? (Yes, North Gondola Lot is open first. When that is full, it will be this lot, then Gold Rush. Gold Rush requires a shuttle to the Gondola, so we use that one last.
- Ms. Leidal: Is there a bus stop nearby? How does the bus flow here? Are there conflicts? Also amenity correct? (Mr. Lott: Yes, the Gray Bus Route stops at the building to the north of this proposed lot but then goes north) Will that create an issue for the bus getting stuck in traffic? Would Public Works be open to widening this? I am concerned with circulation. (Mr. Lott: We sent the plan to Public Works but they did not have any comments on circulation or access) Probably because of temporary nature. (Mr. Kulick: Knowing the owner, they probably would not want to put in any investment in enlarging drive aisle) (Mr. Mr. Lloyd: Where the real pinch point is going to be is Park Avenue at French Street I really see the importance of this lot helping with traffic flow. With the loss of the South Gondola Lot it just means that the pressure point on Gold Rush will change. I see the value for this lot for skier experience.)
- Mr. Gerard: There is still an opportunity for more review with Town Council. It doesn't go from us with any more than a recommendation. (Ms. Puester: The Planning Commission votes, if the vote is approved, the project is approved by the Commission. Then Council will see the Commission's vote on their consent items. If they want to call it up for further discussion, they can call up.)
- Mr. Moore: I am concerned about ingress/egress and people going through City Market parking lot to get to this property. I do agree that the variance is appropriate under the terms of Code, however I would like to see it more fine-tuned to deal with that. It is going to be a mess for those going to City Market if they are not going to go to this lot. This has a passing score because it is temporary but we prefer to see more planning.
- Ms. Leidal: I understand the need but am very concerned with safety and function for pedestrians and vehicles. I do not believe this meets Policies 16 and 17 for Internal and External Circulation.
- Mr. Giller: I really think we need to better understand pedestrian circulation. Crosswalk shown does not enhance safety. I do support the need and I understand temporary nature.
- Mr. Beckerman: I support the project and the temporary parking lot. I would suggest having some flow and circulation diagrams prepared for when this goes to Council as I am sure they will see the same issue we are I think it meets the variance criteria and I and support it.

Mr. Schuman: This is an extremely poor depiction of a plan. This does not meet Policies 16 and 17. The Commission is not doing our job if we approve this tonight. I would like to make a motion different than the staff recommendation at the end of comments.

Mr. Gerard: I agree that it could work but should have had a work session. There are circulation issues and this is too preliminary in nature. If there are no restrictions put on by the Town, this could be a good money making venture.

Mr. Schuman made a motion to be continued. Ms. Leidal seconded. The motion passed unanimously.

### **OTHER HEARINGS:**

1. Gold Flake Demolition and New SFR (LS), 217 Wellington Rd., PL-2020-0364 (Continued from the October 6 Meeting)

Mr. Kulick presented a proposal to demolish an existing single-family residence and construct a 7,047 sq. ft. single family residence. The project was called up at the October 6<sup>th</sup> meeting and continued to October 20<sup>th</sup> so the applicants could be present. The call up is to address Commissioner concerns about the northwest second level of the home acting as a potential Accessory Dwelling Unit (ADU).

#### *Commissioner Questions / Comments:*

Ms. Leidal: Luke mentioned 1 or 2 walls exceeded the threshold of 25% non-natural materials and needed a condition of approval. Were the plans revised? (Mr. Kulick: No, we can clearly request that as a Condition of Approval and create a new condition #11 to not exceed 25% non-natural materials on any elevation).

Mr. Giller: HERS rating very ambitious and I trust Town will watch for that.

Mr. Mike Bieg, owner of 217 Wellington: We did resubmit those drawings on the exterior to meet the non-natural requirements. (Mr. Kulick: Plans in PC packet were not updated so we will add the COA).

Mr. Moore: I feel like the application should be approved.

Mr. Giller: Previous comment regarding HERS.

Mr. Gerard: I am prepared to accept staff's recommendation. I think this is a short-term rental accessory apartment. I see ways people are getting around our code, but recognize that it is a statement outside of our code so I am prepared to support the application.

Mr. Schuman made a motion to approve the Gold Flake Demolition and New SFR project, with the additional condition of approval #11 that the project comply with Policy 5/R and that any elevation not exceed 25% non-natural materials, seconded by Mr. Giller. The motion was approved 6-0.

### **TOWN PROJECTS:**

Alta Verde Workforce Housing Project (CK), 13250 Colorado State Highway 9, PL-2020-0235

Mr. Kulick presented a proposal to construct three deed restricted workforce housing apartment buildings with 36 one-bedroom, 36 two-bedroom and 8 three-bedroom apartments totaling 64,739 square feet, sited on 4.9 acres. The following specific questions were asked of the Commission:

1. Does the Commission agree that a specific aspect of a project is eligible to receive points in more than one category? If yes, do you support awarding positive points under Policy 20/R: Recreation Facilities for the construction of a Rec Path in addition to receiving positive points under Policy 16/R: Internal Circulation?
2. Does the Commission agree with the final point analysis?
3. Does the Commission have any other comments for the benefit of Town Council in regards to the



project?

Kimball Crangle, Gorman & Co.:

Thanks Chris, I think you covered the project very well with the updates since we last saw the Planning Commission.

*Commissioner Questions / Comments:*

Ms. Leidal: Reviewing this project like I would review any other project. Building 1: I think that the roof overhang from the east perspective could be encroaching into the 15' setback. Building 2: overhangs are encroaching into a relative setback. Should we be putting a Condition of Approval that it should meet the setbacks from a future subdivision's property lines? (Mr. Kulick: Since this is a Town Project the conditions for project of this magnitude are very stripped down. The Town Attorney does not want to subject the Town with the same conditions although the team is making their best effort to comply with the code. Staff will work with the applicants to have the buildings to meet the relative setbacks at subdivision.) How would it meet the Relative setbacks? If we don't assign negative points, do they squish the buildings together. (Mr. Kulick: They could slightly increase the side and rear property boundaries during subdivision and assign -3 points for not meeting the front relative setback where they don't have the flexibility of adjusting the lot line along Stan Miller Drive.) Will it come back to us? (Mr. Kulick: I am not sure of the subdivision classification, it may be a Class C subdivision which is reviewed by staff.) (Mr. Stark: The eaves encroach 3 ft. into the setback on Building 1, and 2 ft. on the rear.) You can adjust the lot line location as needed, right? (Mr. Kulick: yes). Density will be transferred in correct? (Mr. Kulick: Yes. There are only 3.71 SFES onsite but per the Master Plan up to 20 SFES at a 1:1 ratio per Town Code may be transferred in). There is no need to extinguish density per JUMP? (Mr. Kulick: We have different ratios now, so we would extinguish density from other Town-owned parcels.) How does the dumpster to work? (Mr. Stark: We have designed this layout for Waste Management to fork containers out of enclosure). Points under 16/R and 20/R for rec path, is 690 ft. of the rec path on site? (Mr. Kulick: Yes, I only measured it onsite relative to points.) I did not see the same rec path project on both precedent lists for earning points under both Policy 16/R and 20/R, correct? (Mr. Kulick: Correct. Whether the design earns points under one policy, neither policy or both policies is up to the Commission.) Historic projects have an additional layer where they don't meet a side yard setback, they receive negative points for not meeting setback and for not buffering. I think we only assign negative points under 7/R. I don't think we are double dinging people. (Mr. Kulick: If a project proposed real minimal landscaping, negative points could be assessed under both 7/R and 22/R.) We talked about this under our code revamp. We noted under 7/R that buffering could be achieved by distance. (Mr. Kulick: It is not a make or break proposal on this one but it did present a good opportunity to have this discussion concerning earning points for the same aspect of a project under multiple policies.)

Mr. Giller: Is a 2:12 slope enough for snow to slide. When we get a deep snow, that the panels would not melt the snow. I am concerned that the snow might cover the panels. (Mr. Stark: 2:12 is not best angle for shedding snow. There will be times of year that the panels will be covered in snow. We will have access to roof for maintenance.) Snow shoveling is dangerous. Are you prepared for that? Do you still meet net-zero? (Yes. We have provided staff with solar reports) That portion of the rec path gets crowded. What is the width you propose? (Lindsay: The rec path will be 14 ft. wide within 25 ft. easement with shoulders of road base. 14 ft. is wide enough for people to pass.

- Mr. Beckerman: You have done a very good job at taking feedback from the previous worksession and implementing it into the design.
- Mr. Schuman: Shoveling a roof is an extremely poor idea. River access area, is there power over there west of rec path? (Ms. Newman: It is intended to be a naturalized setting) The rec path has been talked about a great deal, the concern is all the landscaping, may be hiding the crossing? Rumble strips before you get to crossing may be a good idea. Not going to see bikers coming. Where did the 20% EV come from? Is that standard model for parking lot? EVs are not cheap, and this is a 60% AMI project. (Mr. Stark: Four of those spaces will be EV ready, 10 will be EV capable) (Mr. Kulick: That is the new standard in the Building Code. Project will be around for some time. More cost effective to install conduit now.) When is says EV ready, wiring and pedestal for 24 spots, correct? (Mr. Stark: Yes). The area due south of dumpster is not called out for anything. What is that? (Mr. Stark: A turnaround for the garbage truck.)
- Mr. Gerard: Parking spots: 122 of them. Appreciate relocation of the trail. In the space across from the dumpster, wondering if that space could be signed and used as overnight visitor parking. Looks like good project to me.
- Mr. Moore: I think it is an excellent project. Having read the previous meeting material, changes the PC suggested have been addressed. I like the bike path. I support the point analysis. I support the project. I think it is going to be a really good project for the community. 1. Yes. Yes. 2. Yes. 3. No.
- Ms. Leidal: We need to assign - 3 points under 9/R for not meeting the front relative setback. In the point analysis under density and mass, write that a density transfer is required, that the lot will be subdivided, etc. Important for record keeping. Do not support points under 16/R and 20/R. Lean towards points for 20/R not 16/R. One or the other.
- Mr. Giller: Great project. Will do a lot of good for the Town. 1. Points should be awarded under 20/R 2. Yes. 3. Great design, groundbreaking, I support.
- Mr. Beckerman: 1. No. In favor of just points under 20/R. 2. Would like to see an adjustment to setbacks. Think project is great right now. Lots of amenities. Don't want this great project to lead to bad projects being approved.
- Mr. Schuman: 1. Supportive of points being awarded under Policy 20/R for the rec path. 3. Appreciate Town Attorney slimming down Findings and Conditions. Appreciate the compliance effort. Still have concerns about crossing of bike bath at Stan Miller Rd. but sure will be addressed. Thank staff and design team. Very responsive to our previous feedback.
- Mr. Gerard: Award winning project and will set the standard for what you can do in a mountain town and a net zero project. 1. I was very critical of idea that rec path created double dipping but the design has a positive circulation plan as well as unique rec feature so I support double dipping, but I don't think that it is. 2. - 3 points should be assessed for not meeting the front relative setback. We will expect compliance with the subdivision standards. 3. Great work team.
- Mr. Giller moved to approve the project with the amendments mentioned showing a score of positive two (+2) points, seconded by Mr. Moore. The motion passed 6-0.

**OTHER MATTERS:**

1. Town Council Update (Memo Only)

Mr. Gerard: There is a lot of creativity being used to circumnavigate rules for short-term rentals. Having a second short term rental in one residence allows the renter to have four additional occupants.

**ADJOURNMENT:**

The meeting was adjourned at 8:52 pm.

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Steve Gerard, Chair

**Planning Commission Staff Report**

**Subject:** Breckenridge Distillery Open Air Pavilion  
(Class C, PL-2020-0465)

**Proposal:** To construct an 600 sq. ft. open air pavilion and wood burning EPA Phase II outdoor fireplace at the west side of the property, adjacent to Airport Road.

**Date:** October 28, 2020 (For meeting of November 3, 2020)

**Project Manager:** Julia Puester, AICP

**Owner/ Applicant:** Double Diamond Distillery, LLC (Bryan Nolt)

**Address:** 1925 Airport Road

**Legal Description:** Lot 1BC, Breckenridge Airport Subdivision

**Site Area:** 1.504 acres (65,535 sq. ft.)

**Land Use District:** LUD 31: Commercial, Industrial, Public Open Space, Public Facilities (including, without limitation, Public Schools and Public Colleges), child care facilities, and surface parking.

**Site Conditions:** Most of the property is relatively flat, sloping downhill at 6% however, the southwest corner of the property begins to slope steeply uphill. There is an existing 15,804 sq. ft. distillery building on the property and large outdoor dining and game area. There is an existing 30’ drainage easement and a 10’ snow stack easement along the eastern property line. There is a 15’ power line easement along the western property line. There is a 15’ driveway easement along the south property line.

**Adjacent Uses:** North: Vacant  
South: Commercial/residential mixed use building  
East: Airport Road and commercial building  
West: White River National Forest

**Density/Mass:** Allowed: 1:4 FAR  
Proposed density: No Change

**Height:** Recommended: 35’  
Proposed: 15’6”

**Lot Coverage:** Building / non-Permeable: 15,854 sq. ft. (24% of site)  
Hard Surface / non-Permeable: 15,176 sq. ft. (23% of site)  
Other Permeable (Gravel) Area: 8,227 sf. ft. (13% of site)  
Open Space / Permeable Area: 26,278 sq. ft. (40% of site)

**Parking:** Required: 25 spaces

Proposed: No Change

**Setbacks:**

Required: 0 ft.

Proposed (Pavilion and chimney only):

Front: 25 ft.

Sides: 60 ft./260 ft.

Rear: 153 ft.

**Item History**

In February of 2010, the Breckenridge Distillery opened for business. Summit Landscaping was previously located on the property. On July 3, 2012, the Planning Commission approved a 2,703 sq. ft. addition to the existing distillery building for storage and daily operations. Three new corn, rye, and barley silos were also approved. The third phase addition of 8,331 sq. ft. (requiring a portion of a TDR) was approved July 15, 2014 which included storage, retail space, bar, tasting room, catering kitchen, outdoor seating with a “steel barrel” burning top half of gas fire pit, and new restrooms.

**Staff Comments**

**Architectural Compatibility (5A&5R):** The open air pavilion imitates a rustic barn appearance. The structure has a rusted 38 foot long metal roof that drops down on two sides. The area underneath the roof is open. Gray weathered board and batten makes up the remainder of the barn roof form which is compatible with the existing Distillery buildings. Glulam beams make up the structural posts and beams. The free standing chimney is 11’6” sided with corrugated metal which matches the roof of the pavilion and a metal cap (note that the applicant verbally has changed the fireplace from the double sided version shown on the plans to single sided, opening to the west side). A condition of approval has been added to ensure that the chimney cap will be non-reflective.

**Land Use Guidelines (2/A & 2/R):** The proposed use is in conformance with the commercial land use. Staff has no concerns.

**Density/Intensity & Mass (3/A, 3/R & 4/A, 4/R):** As this is an open air pavilion, no mass or density is assessed.

**Open Space (21/R):** The application is providing 40% of area as open space which exceeds the open space requirement of 15% for commercial property. Staff has no concerns.

**Social Community (24/A & 24/R):** The amended Policy 24A related to outdoor dining areas counting towards the required provisions for employee housing does not apply in this case as the outdoor area which the pavilion will be located on had outdoor dining in the same location since 2014. A finding noting the preexisting outdoor dining has been added.

**Air Quality (30/A):** This absolute policy states, (4) *Restaurant or bar: One EPA-certified wood burning appliance per restaurant or bar, or restaurant/bar combined. (Ord. 1, Series 2019).* The applicant has confirmed that there is no existing wood burning appliance on site. Staff finds that the wood burning fireplace would be allowed. The applicant has provided a spec sheet for the fireplace to confirm that it meets the EPA Phase II required by code. Staff has no concerns.



**Landscaping (22/A & 22/R):** No new landscaping is proposed and no existing landscaping is being removed. There is existing landscaping between the pavilion and Airport Road and will be required to be fenced during construction for the protection of the root systems as a standard condition of approval. Staff has no concerns.

**Exterior Lighting:** Three unshielded chandeliers are proposed underneath the roof structure. Staff finds that the chandeliers will be installed such that the light source will not drop below the enclosed roof which is under the 18 foot maximum height allowed for commercial uses. A condition of approval has been added to prohibit the chandeliers to be below the horizontal plane of the enclosed roof at any time. Six LED can lights are proposed to be recessed in the soffit 8 feet from finished grade. The LEDs are soft white lights, 10.2 watt and 723 lumen, under the maximum allowed. A photometric plan is required to be submitted meeting the Exterior Lighting Chapter requirements prior to the issuance of a building permit and has been added as a Condition of Approval.

**Refuse (15/A & 15/R):** As the area within the pavilion will be full service, there is no additional permanent refuse facilities proposed. As this area is existing outdoor dining, staff does not find any reason to require additional facilities. There have been no refuse complaints regarding the property in the past.

**Drainage (27/R):** Engineering staff had no concerns with the existing drainage on site with the addition of the Pavilion.

**9-1-17-3: Point Analysis:** Staff finds all absolute policies are being met and no reason to assign any positive or negative points.

#### **Staff Decision**

Staff has approved the Breckenridge Distillery Pavilion project PL 2020-0465 located at 1925 Airport Road, Lot 1BC, Airport Road Subdivision with zero (0) points and the Findings and Conditions attached.

<b>Class C Impact Analysis</b>				
Project:	Distillery Pavilion	<b>Positive</b>	<b>Points</b>	<b>0</b>
PL:	PL-2020-0465			
Date:	10.28.20	<b>Negative</b>	<b>Points</b>	<b>0</b>
Staff:	Julia Puester			
		<b>Total</b>	<b>Allocation:</b>	<b>0</b>
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
<b>1/A</b>	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
<b>2/A</b>	<b>Land Use Guidelines</b>	Complies		Complies with commercial uses.
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
<b>3/A</b>	<b>Density/Intensity</b>	Complies		No density is proposed
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		No mass is proposed
<b>5/A</b>	<b>Architectural Compatibility</b>	Complies		Design and materials are complimentary to the existing nearby buildings.
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
<b>6/A</b>	<b>Building Height</b>	Complies		Height is under the allowed 35 foot height allowance.
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex/Multi-family Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)	0	
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)		No change
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)		
<b>8/A</b>	<b>Ridgeline and Hillside Development</b>	Complies		
<b>9/A</b>	<b>Placement of Structures</b>	Complies		Within allowed setbacks
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)		
<b>12/A</b>	<b>Signs</b>	Complies		No signage is proposed
<b>13/A</b>	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
<b>14/A</b>	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
<b>15/A</b>	<b>Refuse</b>	Complies		No new refuse proposed
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)		
<b>16/A</b>	<b>Internal Circulation</b>	Complies		No change-existing dining area
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
<b>17/A</b>	<b>External Circulation</b>	Complies		No change
<b>18/A</b>	<b>Parking</b>	Complies		No change
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)		
<b>19/A</b>	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
<b>22/A</b>	<b>Landscaping</b>	Complies		No change
22/R	Landscaping	2x(-1/+3)		
<b>24/A</b>	<b>Social Community</b>	Not Applicable		Existing outdoor dining area is exempt from recent Policy 24/A modifications.
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Primary Structures - Historic Preservation/Restoration - Benefit	+1/3/6/9/12		
24/R	Social Community - Secondary Structures - Historic Preservation/Restoration - Benefit	+1/2/3		
24/R	Social Community - Moving Primary Structures	-3/10/15		
24/R	Social Community - Moving Secondary Structures	-3/10/15		
24/R	Social Community - Changing Orientation Primary Structures	-10		
24/R	Social Community - Changing Orientation Secondary Structures	-2		
24/R	Social Community - Returning Structures To Their Historic Location	+2 or +5		
25/R	Transit	4x(-2/+2)		
<b>26/A</b>	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
<b>27/A</b>	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
<b>28/A</b>	<b>Utilities - Power lines</b>	Complies		
<b>29/A</b>	<b>Construction Activities</b>	Complies		
<b>30/A</b>	<b>Air Quality</b>	Complies		One wood burning device is allowed for a restaurant.
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
<b>31/A</b>	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
<b>32/A</b>	<b>Water Conservation</b>	Complies		
<b>33/R</b>	<b>Energy Conservation</b>			
	New Structures; Percent Energy Saved Beyond Adopted Residential Energy Code Standard			
33/R	Obtaining a HERS index	+1		
33/R	20-39%	+2		
33/R	40-59%	+3		
33/R	60-79%	+4		
33/R	80-99%	+5		
33/R	100%+	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		Outdoor fireplace is wood burning, not gas. Not applicable.
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
<b>34/A</b>	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		

<b>35/A</b>	<b>Subdivision</b>	Complies		
<b>36/A</b>	<b>Temporary Structures</b>	Complies		
<b>37/A</b>	<b>Special Areas</b>	Complies		
37/R	Special Areas - Community Entrance	4x(-2/0)		
37/R	Special Areas - Individual Sites	3x(-2/+2)		
37/R	Special Areas - Blue River	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
<b>38/A</b>	<b>Home Occupation</b>	Complies		
<b>38.5/A</b>	<b>Home Childcare Businesses</b>	Complies		
<b>39/A</b>	<b>Master Plan</b>	Complies		
<b>40/A</b>	<b>Chalet House</b>	Complies		
<b>41/A</b>	<b>Satellite Earth Station Antennas</b>	Complies		
<b>42/A</b>	<b>Exterior Loudspeakers</b>	Complies		
<b>43/A</b>	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
<b>44/A</b>	<b>Radio Broadcasts</b>	Complies		
<b>45/A</b>	<b>Special Commercial Events</b>	Complies		
<b>46/A</b>	<b>Exterior Lighting</b>	Complies		Condition added requiring chandeliers to remain within the enclosed roof.
<b>47/A</b>	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
<b>48/A</b>	<b>Voluntary Defensible Space</b>	Complies		
<b>49/A</b>	<b>Vendor Carts</b>	Complies		
<b>50/A</b>	<b>Wireless Communications Facilities</b>	Complies		

## TOWN OF BRECKENRIDGE

Breckenridge Distillery Pavilion  
Lot 1BC, Breckenridge Airport Sub.  
1925 Airport Road  
PL#2020-0465

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

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### 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 **October 27, 2020**, 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 **November 3, 2020**, as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. The outdoor dining area under the Pavilion was preexisting prior to the amendments to Policy 24 (Absolute) Social Community was adopted May 26, 2020. Therefore, Policy 24/A is not applicable to the modifications made to the outdoor dining area and do not require new employee mitigation.

### 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 **May 10, 2021**, 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. Applicant shall field locate utility service lines to avoid existing trees.
7. 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.
- 8. The chandelier lighting shall not extend below the horizontal plane of the enclosed roof, resulting in the unshielded fixture to be visible outside of the Pavilion at any time.**
9. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
10. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

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

11. Applicant shall submit proof of ownership of the project site.
12. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
13. 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.
- 14. Plans shall be revised to reflect the fireplace as single sided, opening to the west elevation only.**
15. 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.
16. 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.
17. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location and type of construction fencing, all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
18. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 18' in height from finished grade or 8' above soffit eaves. LEDs shall not exceed 12W, 950 lumens and 3000K.
- 19. A photometric plan for the Pavilion lighting shall be submitted in conformance with the Exterior Lighting Chapter, Lighting Zone 3.**

20. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

21. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
- 22. Previously disturbed areas along the right of way from vehicles parking on the right of way for the business shall be revegetated.**
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 remove all vegetation and combustible material from under all eaves and decks.
25. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
26. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, **chimney cap, fascia**, 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. Exterior residential lighting shall not exceed 18 feet in height from finished grade or 8 feet above soffit eaves. LEDs shall not exceed 12W, 950 lumens and 3000K.
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. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

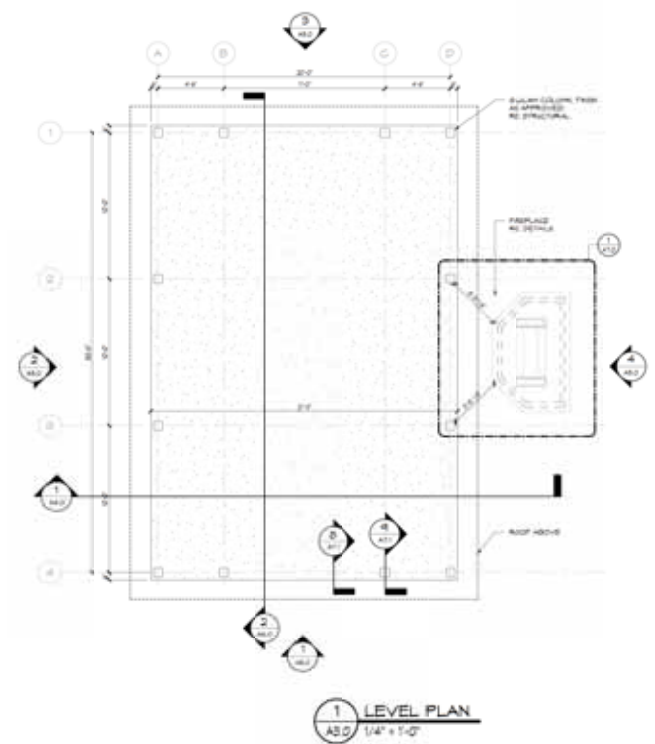
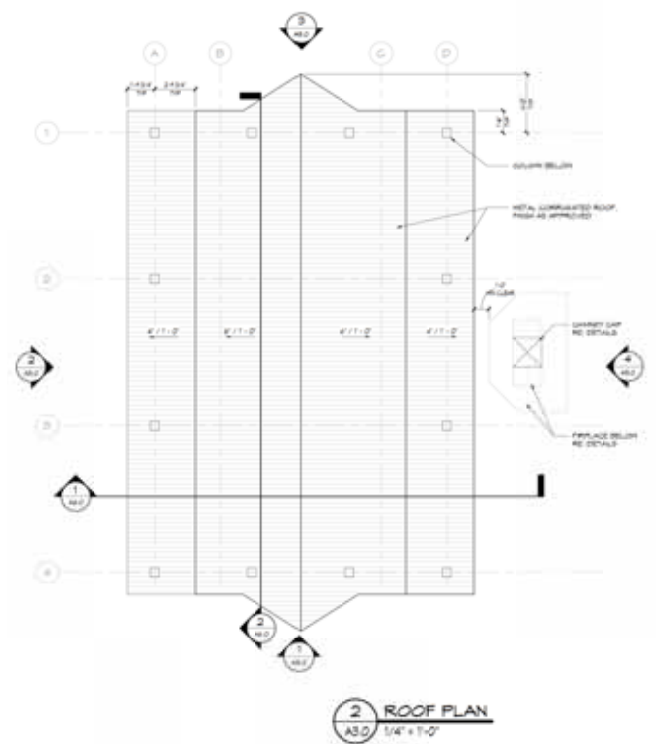
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(Initial Here)









Revisions:  
1 02/11/2020



Date: 02/11/2020  
Project No: 249210  
Drawn by: BKT  
Checked by: DLP

**A3.0**  
LEVEL PLAN - ROOF PLAN



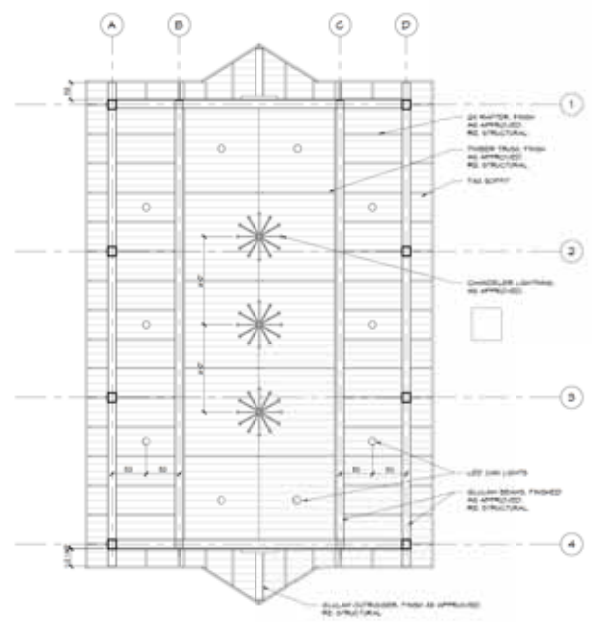
**BRECK DISTILLERY PAVILLION**  
1925 Airport Road  
Breckenridge, CO 80424

Revised: 1-20-2020



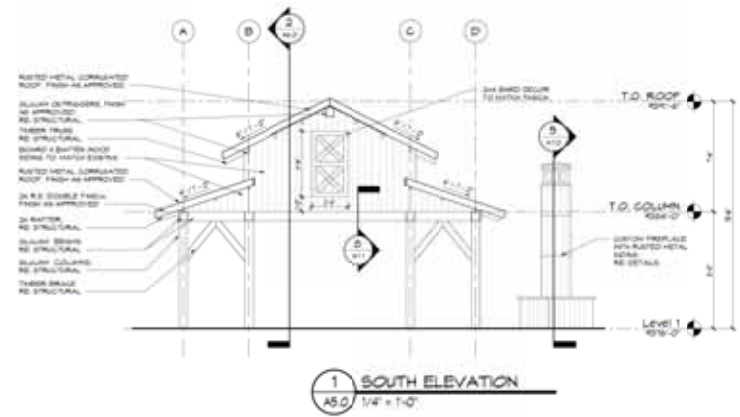
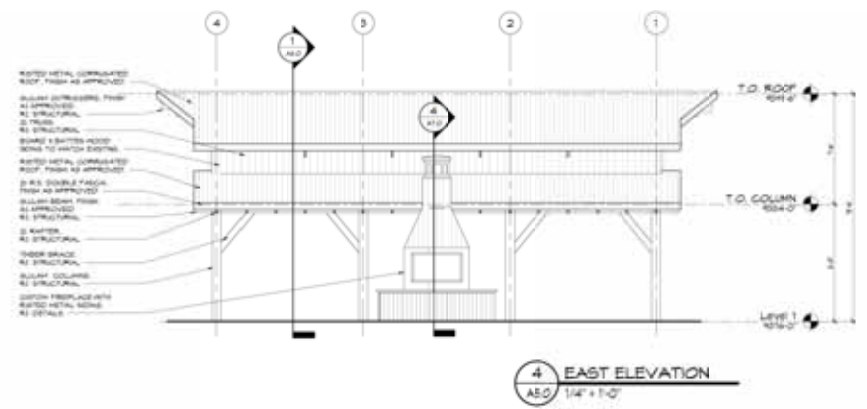
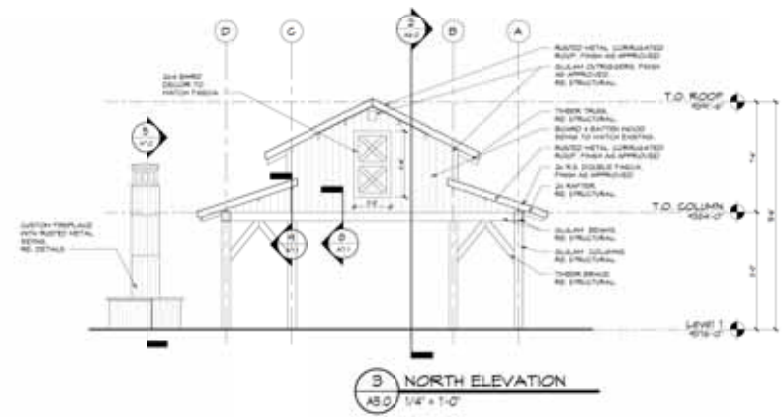
Date: 02/11/2020  
Project No: 249210  
Drawn by: BKT  
Checked by: DLP

**A4.0**  
RCP



1 RCP  
A4.0 1/4" = 1'-0"



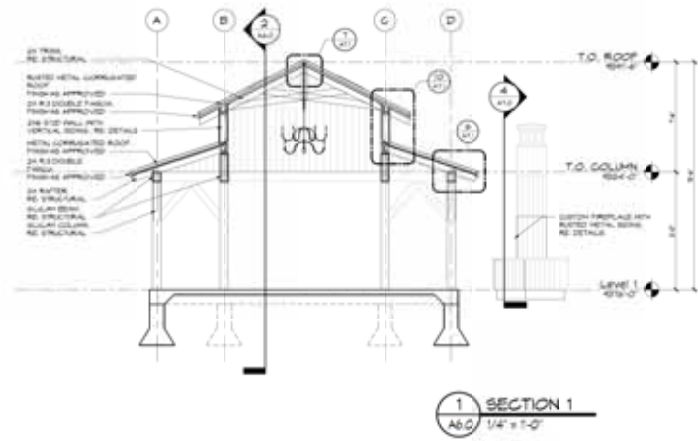
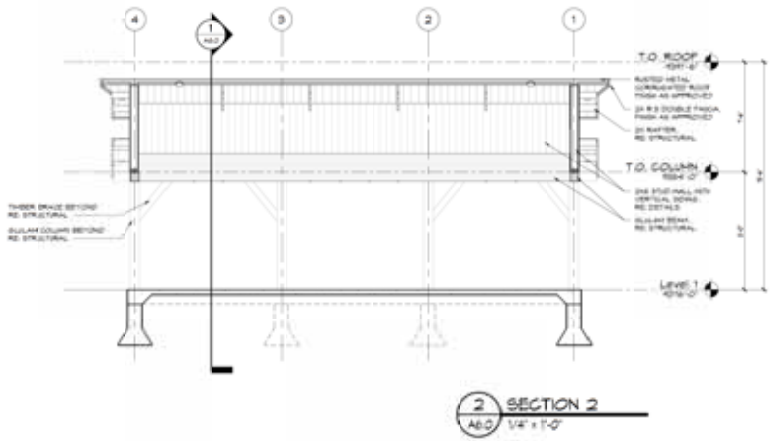


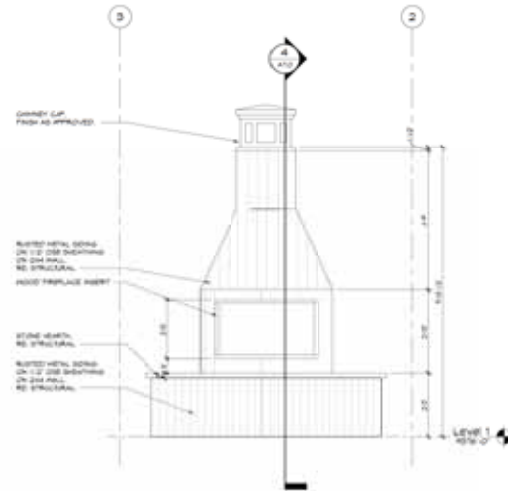
Revisions	DATE	BY
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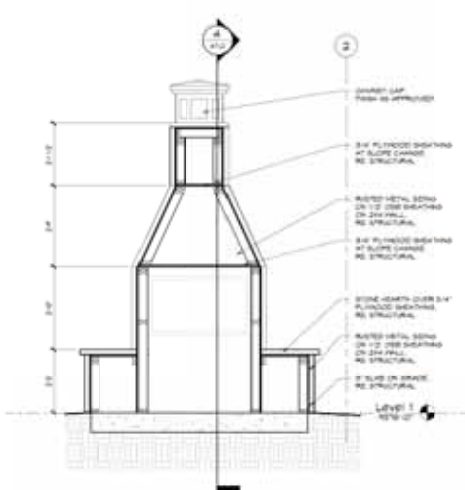
Date:	02/11/2020
Project No.:	2492-10
Drawn by:	BKT
Checked by:	DLP

**A6.0**  
BUILDING SECTIONS

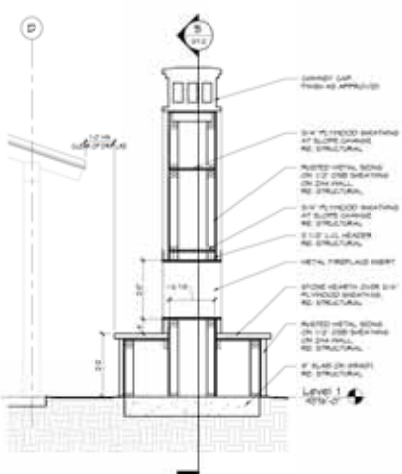




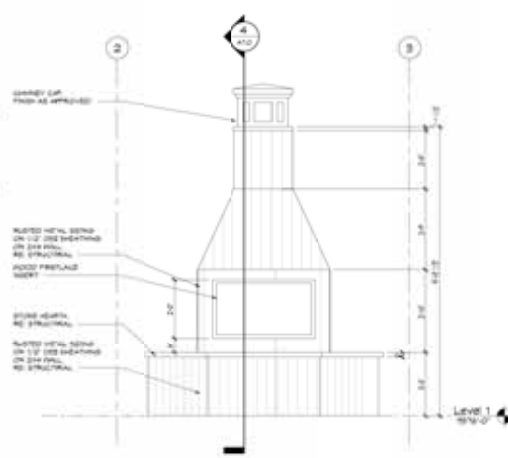
**3 FIREPLACE - EAST ELEVATION**  
A1.0 1/2" x 1'-0"



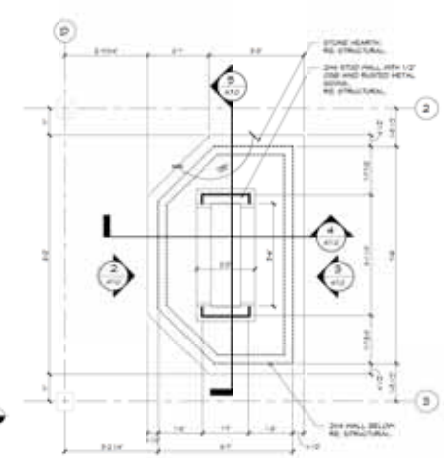
**5 FIREPLACE - SECTION 2**  
A1.0 1/2" x 1'-0"



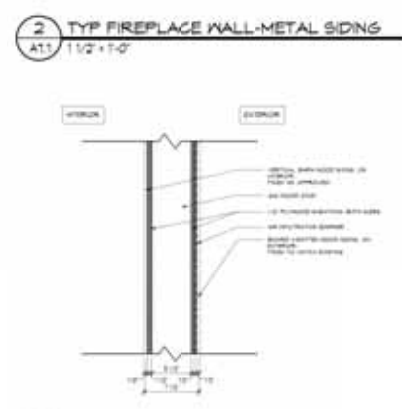
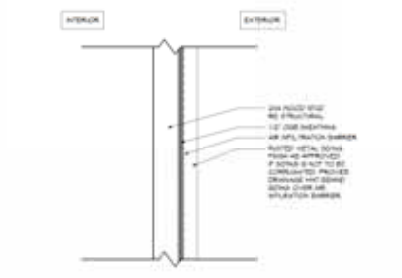
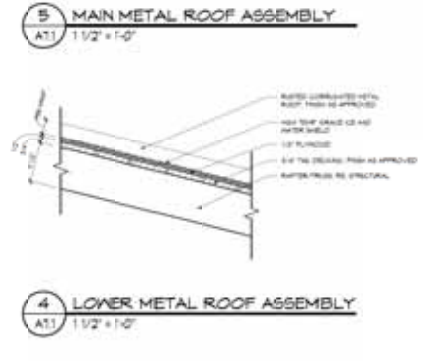
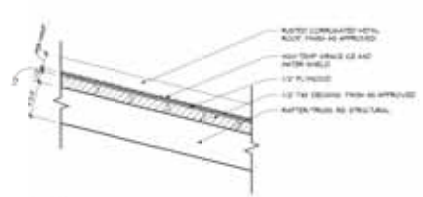
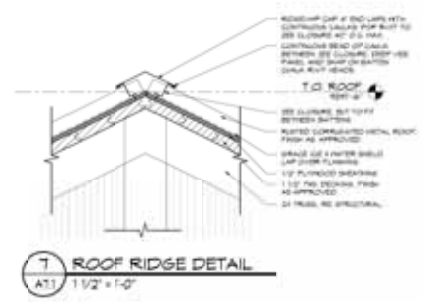
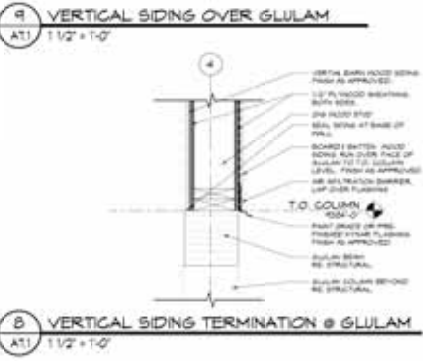
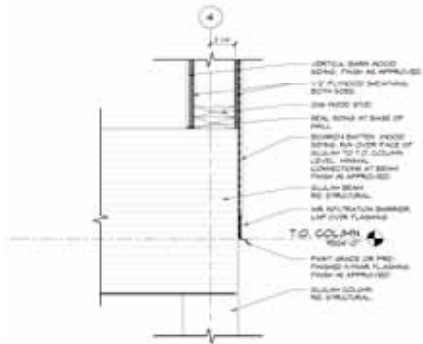
**4 FIREPLACE - SECTION**  
A1.0 1/2" x 1'-0"



**2 FIREPLACE - WEST ELEVATION**  
A1.0 1/2" x 1'-0"



**1 FIRE PLACE - PLAN**  
A1.0 1/2" x 1'-0"





**SECTION 05100 - CONCRETE**

**5110 - FOUNDATION**

**5110-10 - FOUNDATION**

1. FURNISH ALL MATERIALS AND LABOR NECESSARY TO COMPLETE THE WORK SHOWN ON THESE DRAWINGS.

2. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS FOR CONCRETE.

3. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS FOR CONCRETE.

4. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS FOR CONCRETE.

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17. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS FOR CONCRETE.

18. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS FOR CONCRETE.

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20. ALL CONCRETE SHALL BE PLACED AND FINISHED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFICATIONS FOR CONCRETE.

**FOUNDATION NOTES:**

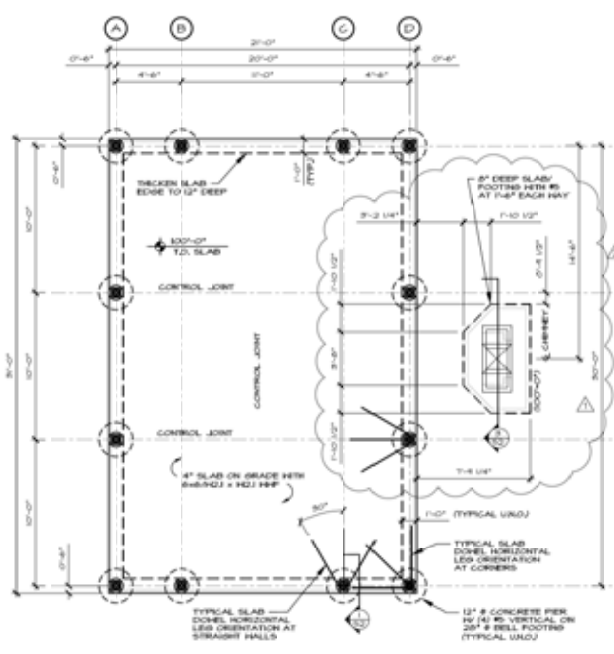
- DASH ELEVATION 100'-0" EQUALS TOP OF MAIN LEVEL FLOOR SLAB OR PLYWOOD ELEVATION, RESEARCH FOR USGS ELEVATION.
- DOX-XXY INDICATES TOP OF FOUNDATION WALL ELEVATION.
- DOX-XXY INDICATES TOP OF FOOTING ELEVATION.
- CONTRACTOR SHALL FOLLOW ALL REQUIREMENTS OF GEOTECHNICAL ENGINEER FOR SUB-GRADE PREPARATION.
- FOOTING ELEVATIONS SHOWN ARE MAXIMUMS AND MAY NEED TO BE LOWERED DUE TO SOIL CONDITIONS. VERIFY CHANGES WITH STRUCTURAL ENGINEER.
- PLACE SLAB ON GRADE ON COMPACTED STRUCTURAL FILL OR NATURAL GRADE AS OUTLINED IN SOILS REPORT.
- UNLESS OTHERWISE NOTED - ALL SLABS ON GRADE ARE 4" THICK WITH 6x6 H2J x F6J HELDED WIRE FABRIC.
- PROVIDE CONTROL JOINTS OR CONTRACTION JOINTS IN ALL SLABS ON GRADE. MAXIMUM SIZE OF EACH AREA SHALL NOT EXCEED EXCEED 144 SF OR 12 FEET IN ANY DIRECTION WHERE NOTED ON PLAN. CONTROL JOINT IS INDICATED BY:
- PROVIDE FRACTURE MEMBRANE WHERE BRITTLE FLOOR FINISHES ARE INSTALLED OVER GYP-CRETE OR CONCRETE SLABS.
- CONTRACTOR TO COORDINATE ALL DIMENSIONS AND DETAILS WITH ARCHITECTURAL DRAWINGS.
- CENTER FOOTINGS UNDER HALLS AND COLLARS UNLESS DIMENSIONED OTHERWISE ON FOUNDATION PLAN.

**WOOD FRAMING NOTES:**

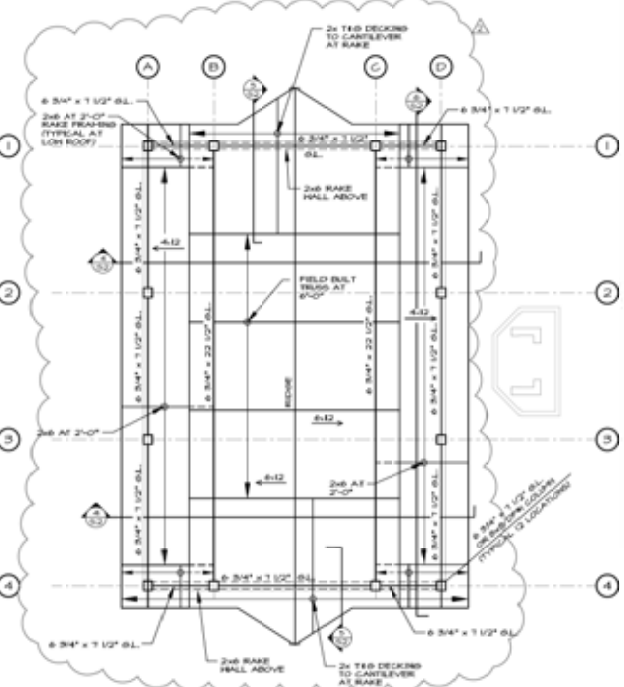
- ROOF SHEATHING IS 5/8" PLYWOOD WITH 4000 PANEL SPAN RATING. BEAMER PANEL END JOINTS ARE FASTENED WITH 16 NAILS AT 8" MAXIMUM SPACING AT ALL PANEL EDGES AND AT 7" MAXIMUM AT ALL OTHER SUPPORTS.
- RESEARCH FOR ROOF SLOPES AND PLATE HEIGHTS NOT NOTED ON STRUCTURAL PLANS.
- ALL EXTERIOR WALLS SHALL BE CONSTRUCTED USING 2x6 STUDS REFER TO EXTERIOR HALL DETAILS FOR ADDITIONAL INFORMATION. EXTERIOR STUDS CAN BE SPACED AT 24" FOR WALLS SHORTER THAN 10'-0".
- ALL BEAMBREAK AND BEAMBREAK CORRECTIONS SHALL BE MADE WITH SIMPSON STEEL PLATE CONNECTORS UNLESS NOTED OTHERWISE.
- SEE ARCHITECTURAL DRAWINGS FOR LOCATIONS AND SIZE OF ROUGH OPENINGS IN ROOF STUD WALLS.
- 1' X 10' X 10' + INDICATES TOP OF PLATE OR TOP OF BEAM ELEVATION. RESEARCH FOR PLATE HEIGHTS NOT NOTED.
- INDICATED JOIST OR RAFTER SPAN DIRECTION
- INDICATES EXTENT OF JOIST OR RAFTER LAYOUT
- INDICATES OBSERVER DIRECTION
- INDICATES DETAIL NUMBER ON SHEET
- INDICATES SHEET NUMBER WHERE DETAIL IS LOCATED.

**PREFABRICATED ROOF TRUSS NOTES:**

- PREFABRICATED ROOF TRUSS LOADS:
  - LIVE LOADS AT TOP CHORD: 40 PSF
  - DEAD LOADS AT TOP CHORD: 10 PSF
  - DEAD LOADS AT BOTTOM CHORD: 10 PSF
  - WIND LOADS - SEE STRUCTURAL GENERAL NOTES. STUDS BEARING FOR DURATION OF LOAD AND LOAD REDUCTIONS FOR WIND ARE NOT PERMITTED.
- SHOP DRAWINGS SHALL BE SUPPLIED BY MANUFACTURER AND REVIEWED BY CONTRACTOR, ARCHITECT, AND STRUCTURAL ENGINEER.
- THE TRUSS SUPPLIER SHALL BE RESPONSIBLE FOR THE FOLLOWING ITEMS:
  - ENGINEERING OF ALL TRUSSES AND TRUSS TO TRUSS CORRECTIONS HEREIN SHALL BE SHOWN ON SHOP DRAWINGS.
  - DESIGN AND SUPPLY OF ALL REQUIRED TRUSS BEARING CONNECTIONS AND HELD COUPLERS.
  - PLACING OF TRUSSES TO ACCOMMODATE MECHANICAL EQUIPMENT AND SUCTHORN-WERHOFF CEILING TRUSSES.
  - BRUSH NIOSA CLIPS SHALL BE INSTALLED AT ALL HALL TOP PLATES AT TRUSS BEARING LOCATIONS UNLESS NOTED OTHERWISE ON ROOF DETAILS.
  - TRUSS SUPPLIER TO CORRECT ROOF AND CEILING SLOPES AND CONFIGURATION WITH ARCHITECTURAL DRAWINGS PRIOR TO FABRICATION.
  - REL ARCHITECTURAL DRAWINGS FOR TRUSS PROFILES.



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



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

**G**  
Ground Engineering  
G3 Consulting, LLC  
P.O. Box 2013  
Breckenridge, CO 80424  
970-455-2071

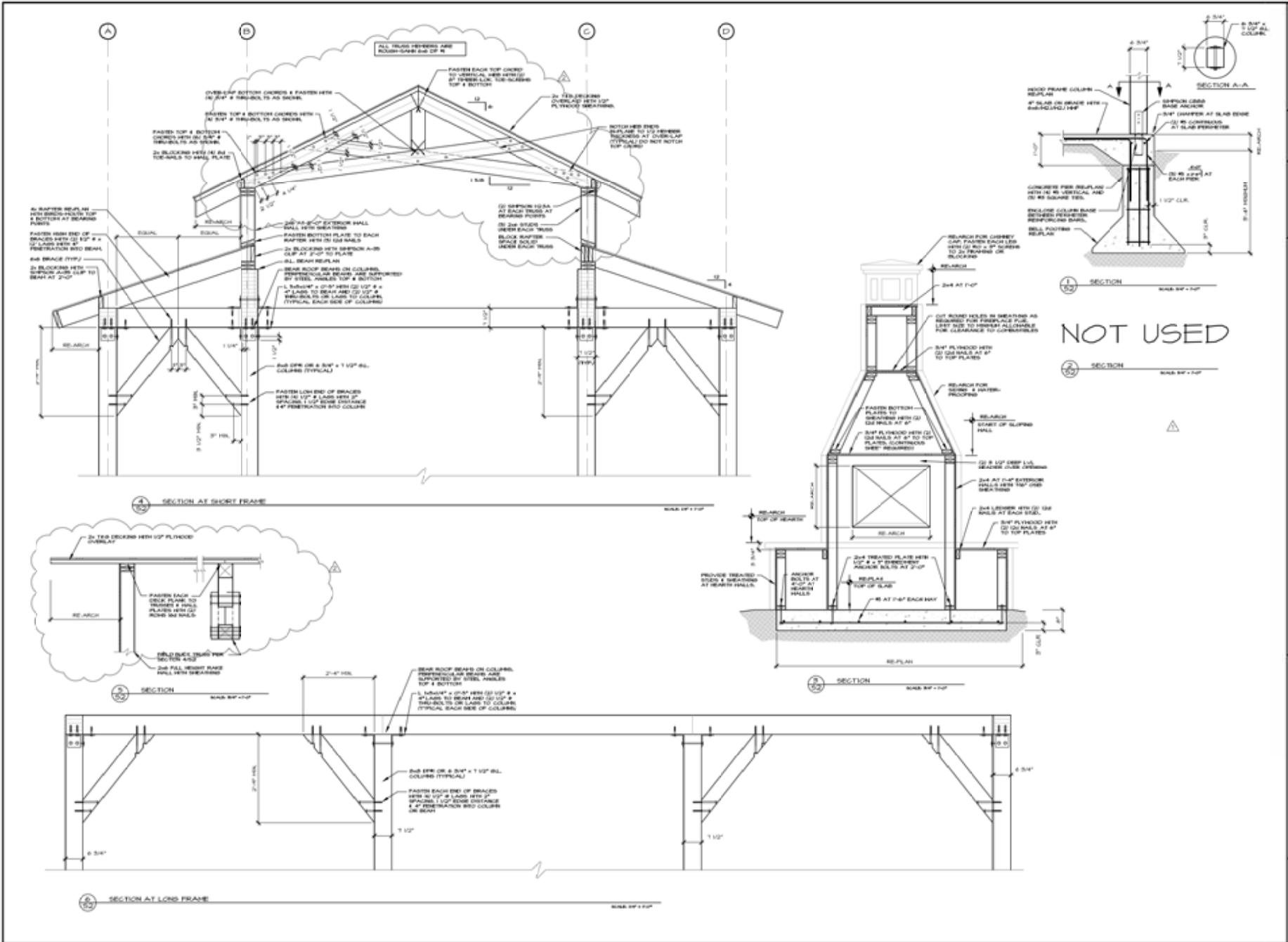


**BRECKENRIDGE DISTILLERY PAVILION**  
1925 AIRPORT ROAD  
BRECKENRIDGE, COLORADO

Date: 04-13-20  
Drawn By: HB  
Checked By: HB  
Project No: 20144  
PRELIM: 4-13-20  
PERMITS: 4-23-20

Revisions:  
05-14-20  
08-07-20

SHEET NUMBER  
**S1**



G3 Consulting, LLC  
 1715 So. 20th  
 Breckenridge, CO 80424  
 970-455-2071

**BRECKENRIDGE DISTILLERY PAVILION**  
 1925 AIRPORT ROAD  
 BRECKENRIDGE, COLORADO

Drawn	04-19-20
Drawn By	MS
Checked By	MS
Project #	2044
PRELIM	4-15-20
PERMITS	4-23-20
Revisions:	
	05-15-20
	08-01-20

SHEET NUMBER  
**S2**





O'BRYAN  
PARTNERSHIP, INC  
ARCHITECTS - A.I.A.

ARCHITECTURE,  
PLANNING, INTERIORS

P. O. Box 2773  
620 Main Street, Suite 8  
Frisco, CO 80443  
Tel: 970.668.1133  
Fax: 970.668.2316



www.OPARCH.com

# BRECK DISTILLERY PAVILLION

1925 Airport Road  
Breckenridge, CO 80424

Revision:

Date: 02.17.2020

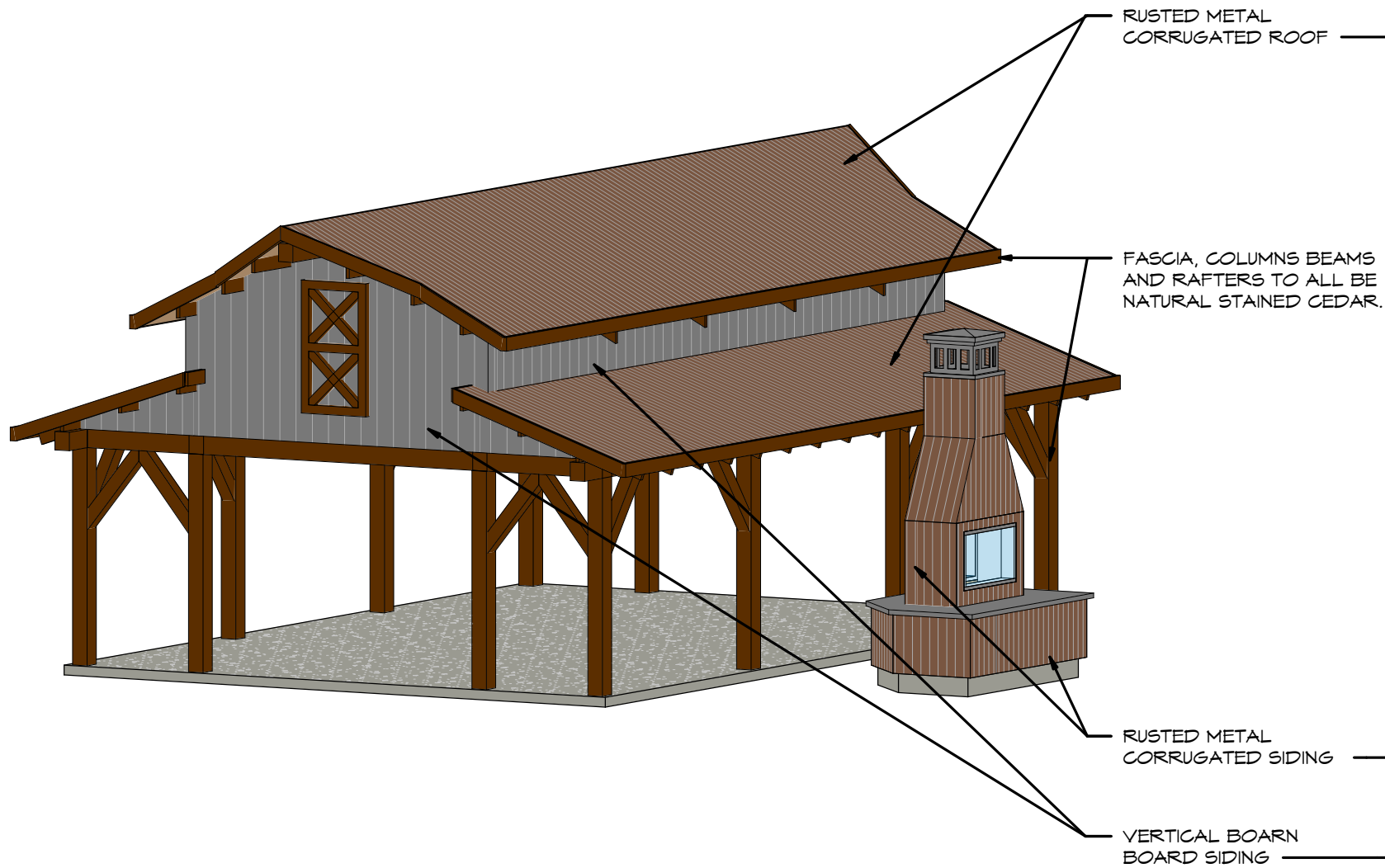
Project No: 2452.10

Drawn by: BKT

Checked by: DLF

## A0.0

COLOR BOARD





Project		Catalog #		Type	
Prepared by		Notes		Date	



# HALO

## HLB4

4" LED Lens Downlight with Remote Driver / Junction Box

### Typical Applications

Residential

### Interactive Menu

- Order Information page 2
- Photometric Data page 2
- Control Solutions
- Connected Systems
- Product Warranty

### Product Certification



Refer to ENERGY STAR® Certified Products List.  
Can be used to comply with California Title 24 High Efficacy requirements.  
Certified to California Appliance Efficiency Database under JAB.

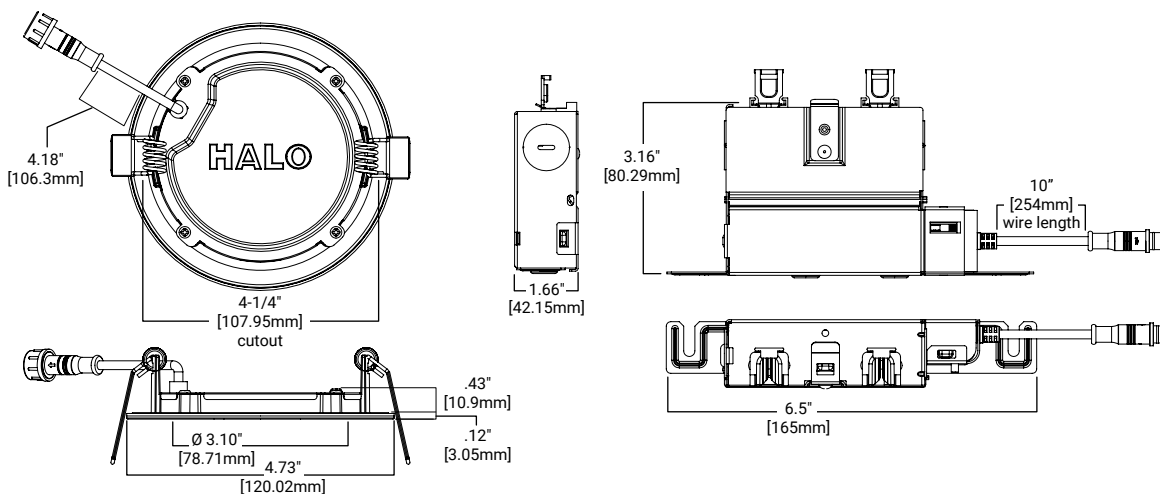
### Product Features



### Top Product Features

- Direct mount (does not require recessed housing or junction box)
- Delivers up to 750 lumens; Achieves L70 at 50,000 hours in IC and non-IC applications
- 2700K, 3000K, 3500K, 4000K and 5000K field selectable CCT; 3000K and 4000K fixed CCT
- 90 CRI (min), R9 50 and color accuracy within 4 SDCM
- Wet location listed for showers and protected ceilings; Available in 120V or 120-277V

### Dimensional and Mounting Details





## Order Information

SAMPLE ORDER NUMBER: **HLB4069FS1EMWR**

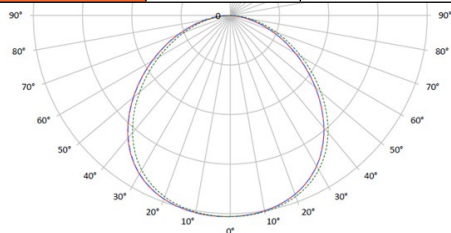
Models	Lumens	CRI / CCT	Driver	Finish	Packaging
<b>HLB4</b> = 4-Inch LED lens downlight with remote driver / junction box	<b>06</b> = 600 lumens (nominal)	<b>930</b> = 90 CRI minimum, 3000K CCT <b>940</b> = 90 CRI minimum, 4000K CCT <b>9FS</b> = 90 CRI minimum, field selectable 2700K, 3000K, 3500K, 4000K or 5000K CCT	<b>1E</b> = 120V 60Hz, LE & TE phase cut 5% dimming <b>E010</b> = 120-277V, 0-10V 5% dimming <sup>(1)</sup>	<b>MW</b> = matte white flange	<b>R</b> = recyclable 4-color unit carton suitable for point of purchase merchandising display
<b>Notes</b>	<b>Notes</b>	<b>Notes</b>	<b>Notes</b> (1) E010 driver is only available in FS color temperature.	<b>Notes</b>	<b>Notes</b>

### Accessories

Accessories	
<b>HL4RSMF</b> = 4" round and square mounting frame <b>HLB4ROTMW</b> = 4" round oversized trim, matte white  <b>Designer Trims</b> <b>HLB4RTRMMW</b> = 4" round decorative overlay, matte white <b>HLB4RTRMSN</b> = 4" round decorative overlay, satin nickel <b>HLB4RTRMTBZ</b> = 4" round decorative overlay, tuscan bronze	<b>Extension Cable   Dedicated Driver/Jbox</b> <b>HLB06EC</b> = 6 ft. extension cable <b>HLB12EC</b> = 12 ft. extension cable <b>HLB20EC</b> = 20 ft. extension cable  <b>Extension Cable   selectable Driver/Jbox</b> <b>HLB06FSEC</b> = 6 ft. extension cable <b>HLB12FSEC</b> = 12 ft. extension cable <b>HLB20FSEC</b> = 20 ft. extension cable

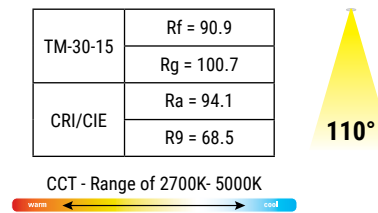
## Photometric Data

HLB4069FS1EMW-3000K		
Luminaire lumens	723	
Input watts	12	
LER (LPW)	60.3	
Spacing Criteria	0-180	1.28
	90-270	1.28
	Diagonal	1.39
Beam angle (degrees)	110.2	
Field angle (degrees)	160	
Zonal lumen	Lumens	% Lumens
0-30	203	28.1
0-40	335	46.3
0-60	581	80.4
0-90	723	100



\* Tested in accordance with IES LM63. Field results may vary.

### Color Metric Summary - 3000K



### Product Specifications

PRODUCT SPECIFICATIONS	
Lumens	723
Watts	10.7
Lumens Per Watt (Efficacy)	67.6
Color Accuracy (CRI)	92
Light Color (CCT)	3000K
Correlated Color Temperature (CCT)	
2700K	3000K
4500K	6500K

HLB4 4-inch	CCT	Lumens	Power (W)	LPW
Fixed CCT	3000K	734.6	10.2	72.7
	4000K	773.2	10.2	76.2
Field Selectable CCT	2700K	720.0	12.0	60.0
	3000K	723.0	12.0	60.3
	3500K	735.2	12.0	61.3
	4000K	746.1	12.0	62.2
	5000K	751.9	12.0	62.7

## Energy Data

Lumens	600 Series
Input Voltage	120V
Input Current	100 (mA)
Input Power	12.0 (W)
Efficiency	60 (LPW)
Inrush (A)	2.2 A @ 42mS
THD	≤ 20%
PF	≥ 0.90
T Ambient	-30° - +40°C
Sound Rating	≤ 22 dba

## Product Specifications

### Housing

- Die-cast aluminum mounting frame with integral flange provides passive thermal cooling
- Achieves L70 at 50,000 hours in IC and non-IC applications
- High impact diffuse lens provides shielding to the light guide minimizing pixilation

### Gasket

- Closed cell gasket achieves restrictive airflow and wet location listing without additional gaskets or caulking

### Optics

- Precision acrylic light guide organizes source flux into wide distribution with 1.4 spacing criteria, useful for general area illumination

### LED Array

- Plurality of mid power LED's provides a uniform source with high efficiency and long life
- 90 color rendering index (CRI) minimum; R9 greater than 50 provides high color rendering
- Fixed 3000K and 4000K correlated color temperatures (CCT); color accuracy within 3 SDCM
- Optional field selectable color temperature, select 2700K, 3000K, 3500K, 4000K or 5000K CCT; color accuracy within 4 SDCM
- Meets ENERGY STAR® color angular uniformity requirements; Deviation is less than 0.006 u' v'

### Remote Driver/Junction Box

- Pre-galvanized steel driver/junction box with captive hinged junction box cover
- Listed for six #12 AWG 90° C splice conductors: two in, two out plus two ground
- Two 1/2" conduit pry-outs
- Two Slide-N-Side™ non-metallic (NM) wire traps allows wiring outside the box
- Accepts NM cable types: 14-2, 14-3, 12-2, 12-3 (U.S.) and 14-2, 14-3, 12-2 (Canadian)
- Three 4-port push wire nuts with clear caps for quick and reliable mains voltage connections
- Integral mounting holes facilitate direct mounting to building structure or mounting frame

### Driver

- Available in 120V or 120-277V, providing noise free operation
- Continuous flicker-free dimming down to 5% with select dimmers
- Plenum rated inline electrical quick connect provides low voltage connection to fixture fitting, CMP/FT6 rated

### Installation

- Can be installed in 1/2" to 1-1/4" thick ceilings
- Cutout utilizes standard round hole saw sizes; cutout template provided
- Heat treated springs hold fixture fitting securely in the ceiling eliminating light leak
- Housing is less than 1/2" thick and can span a 2" nominal framing member
- Can be removed from below the ceiling for service or replacement

### Optical Mounting Frame

- Pre-galvanized steel mounting frame locates fixture fittings during electrical rough-in and provides cutout guidance for drywall contractor
- Provides attachment of remote driver/junction box

### Compliance

- cULus Certified type IC suitable for direct contact with air permeable insulation
- Not recommended for use in direct contact with spray foam insulation (reference NEMA LSD57-2013)
- Wet location listed and IP44 ingress protection
- Airtight per ASTM-E283-04
- Suitable for use in clothes closets when installed in accordance with the NEC 410.16 spacing requirements
- EMI/RFI emissions per FCC 47CFR Part 15 consumer limits
- Contains no mercury or lead and RoHS compliant
- Photometric testing in accordance with IES LM-79-08
- Lumen maintenance projections in accordance with IES LM-80-08 and TM-21-11
- State of California Title 24 high efficacy
- LED compliance under JA8, reference Modernized Appliance Efficiency Database System (MAEDBS) for 2016 JA8 High Efficacy Lighting
- ENERGY STAR® certified (reference "Certified Light Fixtures" database)

### Warranty

- Five-year limited warranty

# PUREBURN

EPA Phase two Qualified Woodburning Fireplace



## PUREBURN



Patent Pending

**MASON-LITE**  
by MFI • Masonry Fireplace Industries, LLC

**Modular Pre-Cast Fireplace Systems**





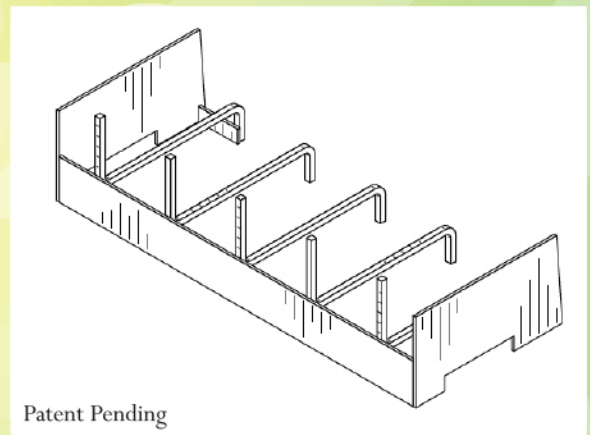
**PUREBURN**



Patent Pending

Mason-Lite Pureburn Wood-Burning fireplaces have been tested to the standards under Phase 2 of the EPA Burn Wise program. The Pureburn MFP44 was our first fireplace to pass under these strict standards. Even more impressive is the fact that our unit passed without the use of a catalytic converter, reducing the cost per unit and also saving time and money on installation charges. In addition, units with catalytic converters require mandatory maintenance and/or replacement over the life of the fireplace. With our Pureburn units you are free of any problems associated with catalytic converters.

Our units surpassed the competition, releasing only 2.65 g/kg of particulates - the lowest test of any modular masonry fireplace to date. Our units work through a specially designed burner system that assists the wood-burning process with **(33,000)**Btus of natural gas or propane. With the assistance of our burner system your masonry fireplace will burn cleaner than ever before.



Patent Pending

Model	Applicable Unit	Gas Source	BTUs	Emissions (g/kg)
QWBN-63	MFP63	(Natural Gas)	Coming Soon	Coming Soon
QWBP-63	MFP63	(Liquid Propane)	Coming Soon	Coming Soon
QWBN-44	MFP44 & MFP49	(Natural Gas)	33,000	2.65
QWBP-44	MFP44 & MFP49	(Liquid Propane)	33,000	2.65
QWBN-33	MFP33 & MFP39	(Natural Gas)	Coming Soon	Coming Soon
QWBP-33	MFP33 & MFP39	(Liquid Propane)	Coming Soon	Coming Soon

For more information, or to find a partner near you, contact .....

**MASON-LITE**  
by MFI • Masonry Fireplace Industries, LLC

Modular Pre-Cast Fireplace Systems

PO Box 4338 Riverside, CA 92514

Tel: 800.345.7078 Fax: 951.588.8046 Email: info@Mason-Lite.com



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[www.Facebook.com/MasonLite](http://www.Facebook.com/MasonLite)



[www.YouTube.com/MasonLiteFireplaces](http://www.YouTube.com/MasonLiteFireplaces)



## Planning Commission Staff Report

- Subject:** Parkway Center Temporary Parking Lot Site Plan and Variances  
(Class B Minor, Combined Hearing; PL-2020-0340)
- Proposal:** To install a temporary parking lot with up to 165 spaces, buck and rail fencing and a temporary sidewalk and crosswalk to help alleviate skier parking demand near the Gondola. The proposal includes request for a variance from Policies 18/A: Parking, 22/A: Landscaping and 27/A: Drainage of the Town Development Code and from Section 9-3-9: Design Standards for Off Street Parking Facilities of the Town Code due to the temporary nature of the parking lot.
- Date:** October 29, 2020 (For meeting of November 3, 2020)
- Project Manager:** Chris Kulick, AICP, Senior Planner
- Applicant:** Interstate Parking of Colorado on behalf of Vail Resorts
- Owner:** Thirty Second Dee, LLC., Dick Bauder
- Address:** 410 North Park Avenue
- Legal Description:** Parkway Center, Block 2, Lot 1
- Site Area:** 2.75 acres (119,790 sq. ft.)
- Site Conditions:** This is the site of the previous Post Office Annex and skier parking lot. The site is flat and is mostly covered with rocks and gravel, with the exception of some existing vegetation on the northwest portion of the lot.
- Adjacent Uses:**
- |        |  |
|--------|--|
| North: | Breck Free Ride Stop, City Market Shopping Center, Undeveloped Parcels |
| South: | North Gondola Lot  |
| East:  | Undeveloped  |
| West:  | Gold Rush Parking Lot  |

### Changes since the October 20, 2020 Combined Hearing

The following changes have been proposed to the project since the Combined Hearing continuance on October 20, 2020.

#### Site Plan

- A revised site plan that depicts vehicular and pedestrian circulation, drainage and other site improvements has been provided.

#### Circulation

- Town Engineer, Shannon Smith, has provided a memo regarding circulation to the site. She will be available at the meeting to assist in the discussion pertaining to circulation.
- The applicant and the Town have agreed for the Town to install the temporary crosswalk that crosses French Street.



- The buck and rail fence previously proposed along the temporary sidewalk on the east side of the site has been eliminated.
- A buck and rail fence is now proposed along the south side of the lot, adjacent to French Street, in an effort to prevent a sheet flow of pedestrians across French Street and funnel users to the crosswalk.

**Item History**

This property is part of the original Parkway Center Master Plan, which was approved in 1985. The lot is currently vacant and undeveloped. Previously, this property contained the Post Office Annex, which was approved in 1999 and removed in 2011. Additionally, this lot was also used as a skier parking lot from November 1997 until May 2008. Similar to this proposal, the parking lot use was approved with a variance and was extended yearly as a Consent Calendar item.

The Planning Commission previously reviewed the project as Combined Hearing at their October 20, 2020 meeting and ended up continuing the Hearing over concerns with anticipated circulation impacts associated with the project. Since this application requests variances from the Development Code, public notice was processed in accordance with the Class A development permit requirements.

**Staff Comments**



Figure 1: Aerial View of the Existing Lot

**Internal & External Circulation (16/A, 16 /R, 17/A):** At the previous hearing, the Commission had several concerns related to pedestrian and vehicular circulation associated with the proposal. Since the October 20<sup>th</sup> meeting staff met with the Town Engineer, Shannon Smith, and Streets Manager Scott Jackman, to discuss some of the Commission’s concerns. Included in the packet is a memo from Ms. Smith explaining her support of the proposal as it relates to circulation. Ms. Smith will also be available

at the meeting to assist in the discussion related to circulation. In general, staff from multiple departments, including The Town Manager's Office, Community Development, Public Works and the Police Department support the use of this parking for one year, while the South Gondola Parking Structure is under construction for the following reasons:

- The location of the lot is walkable to both the Gondola and Main Street, and will reduce the demand on transit that parking in outlying lots increases at a time when transit capacity is limited due to the Covid-19 pandemic.
- Temporarily increasing the parking reservoir in this area will reduce the amount of circulating vehicles in other areas of Town as parking is being sought. Vehicular circulation associated with searching for parking was identified as a major contributor of congestion in the Town's most recent parking and transportation study.
- The opening of parking lots in this area of Town is staggered. The Parkway Center Lot will only open after the North Gondola lot is filled and prior to the opening of the Gold Rush Lot. On busy days, the Parkway Center Lot will likely be filled within an hour of opening and vehicle exits will be staggered throughout the afternoon and evening.

To maximize pedestrian safety and reduce conflicts with vehicles, the project proposes a temporary sidewalk along the north-south drive along the eastern property line and a crosswalk across French Street. Since the previous hearing, the applicant and the Town have agreed for the Town to install the temporary crosswalk that crosses French Street, from the site to the North Gondola Parking Lot, and bill the applicant for the construction costs. Staff also contemplated the feasibility of widening the common driveway into the development from French Street but felt the existing 30' of width was sufficient. As noted above, the lot will likely fill within an hour in the morning and afternoon departures will be staggered, thus the window of time when additional traffic will be on the common driveway is short. Based on this information, staff is supportive of the project due to its overall positive impact to the Town's circulation and the project's temporary nature, does the Commission concur?

**9-1-11 Variances:** As noted above, this temporary parking lot is being proposed due to the reduction of parking in the core of Town, as a result of the construction of the South Gondola Lot Parking Structure. Due to the temporary nature of the parking lot, the applicant is requesting a variance from Policies 18/A: Parking, 22/A (B)(8): Landscaping and 27/A: Drainage of the Town Development Code and from Section 9-3-9: Design Standards for Off Street Parking Facilities of the Town Code. Since a temporary parking lot was approved in the past at this location with no issues, staff is supportive of this request with a variance for one year. If the applicant seeks continued use of the parking lot for more than one year, the parking lot will need to come into compliance with all standards in the Town Code. Since this Development Permit will be good for only one year, the following two conditions have been added:

- Under normal circumstances, this permit would normally be valid for 3 years. The Applicant has proposed a temporary parking lot and has agreed, and by its acceptance of this permit does agree that both the Vested Rights and the duration of this Development Permit will expire on November 10, 2021.
- If operations on this parking lot are planned for continuance beyond the one year duration of this permit, the Applicant must submit a new development permit application showing compliance with all requirements of the Town Code. This would likely be a Class A Application due to the valuation of the work.

Due to the temporary nature of this application, staff supports granting variances from the following Absolute Policies as outlined below:

**Parking (18/A):** Per Policy 18/A: “All developments within the Town shall comply with chapter 3, “Off Street Parking Regulations”, of this title.” Since Title 9, Chapter 3: Off Street Parking Regulations, has its own relief procedures, that criteria will be discussed in depth later on in the report.

**Landscaping (22/A):** For all parking lots, this policy states: *B.(8). Not less than six percent 6% of the interior area of a parking lot shall be landscaped.* No internal parking lot landscaping is proposed with this application. Since this parking lot is temporary, the applicant is asking for a variance from installing internal landscaping. Staff has no concerns due to the one year limitation of the proposal, but the applicant would be required to come into compliance with this policy if the parking lot use is continued for longer than one year.

**Drainage (27/A):** This policy requires the applicant to provide drainage improvements to ensure that the development will not adversely affect any downstream properties. The Town’s Engineering Department has reviewed the proposal and since this parking lot is a temporary use, they had no concerns. If the parking lot is to operate for more than one year, the applicant shall be required to meet all applicable drainage requirements.

Section 9-1-11 Variances addresses variance criteria for Absolute Policies within the Development Code.

*D. Criteria for Approval: Before the commission can grant a variance application, the applicant must prove physical hardship and the commission must find all of the following:*

- 1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.*

Special conditions apply to this application due to circumstances surrounding the request. Since the Town has initiated the South Gondola Lot Parking Structure project and eliminated a large reservoir of skier parking until November 2021, staff believes this project meets the special circumstances required for a variance. Furthermore, this permit is only valid for one year until such time the South Gondola Lot Parking Structure will open (currently under construction). If the applicant wishes to continue the use of this parking lot for longer, a new application meeting all the requirements of the Town Code will be required.

- 2. That such special circumstances were not created by the applicant.*

The request is a result of the reduced amount of skier parking in the core of Town and not created by the Applicant as a parking structure is currently being constructed on one of the skier parking lots.

- 3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.*

Due to the decreased skier parking in the immediate area, this parking lot will provide additional parking within walking distance to the Gondola and Main Street, and help to reduce demand in other locations of Town. The proposal will also decrease demand on the Town's transit system during the Covid 19 pandemic. Approval of this application will not be detrimental to adjacent properties or to the public in general as it is only for one year.

4. *The variance applied for does not depart from the provisions of this chapter any more than is required. (Ord. 19, Series 1988)*

The parking lot to be constructed is temporary and is easily reversible. Due to the construction of the South Gondola Lot Parking Structure, this use is a temporary alternative and staff feels that this proposal is similar in nature to the previous unpaved parking lot on the South Gondola Lot. The South Gondola Lot Parking Structure is planned for completion in November 2021 and if this parking lot is to continue operation beyond the one-year term, it will be required to come into compliance with the Town Code.

**Parking requirements, design, and standards are outlined in Title 9, Chapter 3: Off Street Parking Regulations:**

Since this is a separate Chapter within the Town Code, Section **9-3-16 Relief Procedures** (below) applies for criteria under Chapter 3, rather than Section 9-1-11, which deals with Absolute Policies under Chapter 1. Section B under 9-3-16 states: *The variance criteria set forth in this section shall control over the variance criteria set forth in section [9-1-11](#) of this title. (Ord. 8, Series 2013).*

This proposal is not meeting the following standards within Chapter 3:

**9-3-9: Design Standards for Off Street Parking Facilities:** This chapter states the following requirements that would apply to this application:

- E. Lighting: All parking facilities containing ten (10) or more parking spaces shall submit a photometric plan.*
- J. Landscaping: A minimum of twenty five (25) square feet per parking stall shall be utilized for landscaping purposes.*
- M.1. Paving: Off Street Parking Spaces: All off street parking spaces shall be paved.*

This application is not providing any lighting or landscaping as required by this section. Additionally, the parking lot is not proposed to be paved as required by this section, but will be compacted crusher fines (3-4" of road base). If the parking lot is to be in operation for more than one year, the applicant will be required to meet the requirements of 9-3-9: for lighting, landscaping, and paving.

**9-3-16 Relief Procedures:**

- A. The planning commission, or the town council if the decision of the planning commission is called up, may grant a variance, exception or waiver of condition from any requirement of this chapter, upon written request by a developer or owner of property subject to this chapter, following a public hearing, and only upon finding that: 1) a strict application of such*

*requirement would, when regarded as a whole, result in confiscation of the property or 2) that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal or requirement. No variance, exception or waiver of condition shall have the effect of nullifying the intent and purpose of these regulations. The planning commission or town council shall not approve a variance, exception or waiver of condition unless it makes findings based upon the evidence presented to it in each specific case that:*

- 1. The granting of the variance, exception or waiver of condition will not be detrimental to the public health, safety, or welfare or injurious to other property;*

The construction of this temporary parking lot will not be detrimental to persons or property. Due to the construction of the South Gondola Lot Parking Structure its reservoir of parking is unable to be utilized until November 2021, this proposed parking lot will help alleviate some skier parking demand by providing an additional area of parking close to the gondola. Not installing lighting or landscaping will not be detrimental because this is a temporary lot. Not paving the parking area is appropriate because this lot will not be in operation after one year.

- 2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;*

This lot is unique compared to others because it was previously used for parking and is close to the Gondola. The property will also be put back to its current state after the proposed parking operation ceases. If the lot is to be used for parking after one year, lighting, landscaping, and paving will be required via a new Development Permit.

- 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and*

If the strict letter of these regulations is carried out, the applicant would be required to install lighting, landscaping, and paving for a temporary solution to mitigate a reduction in skier parking due to construction of the South Gondola Lot Parking Structure. Since this proposal is for one year only, it would be a hardship to construct a parking lot that meets Town Code just to remove it one year later.

- 4. The relief sought will not in any manner vary the provisions of the development code, town master plan or other town law, except that those documents may be amended in the manner prescribed by law.*

The relief sought for the installation for lighting, landscaping, and paving, does not vary the actual provisions of the development code, but allows for a temporary parking lot to be installed while the Town is constructing the new South Gondola Lot Parking Structure. This relief is only valid for one year and the project will be required to come into compliance with the Town Code if the parking operation is to continue beyond that time period.

Staff has found the following policy not relevant to the scope of the application and therefore recommends that the Commission assign zero (0) points as stated in Section 9-1-17-3 Assignment of Points:

**Site And Environmental Design (7/R):** This policy requires site buffering for all development and states:

*B. Site Buffering: Developments should be buffered from adjacent properties and public rights-of-way and should attempt to provide a maximum degree of privacy for occupants of both the site and surrounding properties.*

This project is providing no screening to the adjacent properties or rights-of-ways. Since the Application is proposing a parking lot for one year, staff feels that site buffering is not relevant as the improvements will be removed after the parking lot operations cease. Special finding 6. has been added to the Findings and Conditions reflecting this opinion.

**Section 9-1-17-3 Assignment of Points** states zero points may be *Awarded if the policy is irrelevant, if there is no public benefit and no public detriment from the project, if there is a public detriment which has been fully mitigate, or for an adequate job of implementation.* The Planning Commission has the ability to determine if a policy is not relevant to a particular application. Staff feels that due to the temporary nature of this application, providing no site buffer in the form of landscaping is appropriate. A finding has been added to this application stating:

1. Due to the unique nature of this Application, the Planning Commission finds that the Application should receive no negative points under Section 9-1-13-7R, "Policy 7 (Relative) "Site and Environmental Design," because the policy is deemed to be irrelevant because of the temporary duration of the use proposed in the Application. Awarding zero points under Policy 7R shall not set precedent for future development permit applications because of the demonstrated uniqueness of the Application.

The following policies do not require a variance but staff has provided some comments for clarification:

**Land Use Guidelines (2/A & 2/R):** The property is within LUD 9. This District's primary function is to provide an area for vehicle oriented uses. Staff feels that a parking lot is an appropriate use within this district and has no concerns.

**Fences, Gates And Gateway Entrance Monuments (47/A):** This policy allows parking lots to be fenced as follows:

*(12) Fences in parking lots may be allowed when necessary to delineate pedestrian areas from parking and circulation areas, and to designate drive aisles. The design of fences in parking lots shall reflect the surrounding character of the neighborhood. Within the Conservation District, fences shall reflect the character of historic fences. Outside the Conservation District natural materials and greater openings between rails shall be used to reflect the more open and natural character of the neighborhood. In most cases, split rail fences will be most appropriate.*

Based on feedback from the Commission, the applicant has eliminated the previously proposed wooden buck and rail fence between the parking spaces and the sidewalk along the east side of the property. A buck and rail fence is now proposed along the south side of the lot, adjacent to French Street, in an effort to prevent the sheet flow of pedestrians across French Street and funnel users to the crosswalk. Staff is

supportive of the changes to the proposed fencing, as it will aid general circulation and improve pedestrian safety.

**Snow Removal and Storage (13/A & 13/R):** The applicant is showing a snow storage area equal to 25% of the area to be cleared of snow. The applicant has acknowledged that snow storage may reduce the number of parking spaces as winter progresses. However, as there is no minimum parking requirement, staff does not have an issue with some of the spaces being utilized for snow storage.

**Point Analysis (Section: 9-1-17-3):** With deeming Policy 7R not relevant to the scope of this application, the proposal meets all Priority Policies of the Development Code that are not identified above for variances. This project has not been awarded any negative or positive points.

### **Planning Commission Questions**

- Is the Commission supportive of the project's proposed circulation?
- Does the Commission agree with the final point analysis?

### **Staff Recommendation**

The Planning Department recommends the Commission approve the Parkway Center Temporary Parking Lot Site Plan and Variances Request (PL-2020-0340) showing a passing score of zero (0) points along with the attached Findings and Conditions.

<b>Class B Minor Hearing Impact Analysis</b>				
Project:	Parkway Center Temporary Parking Lot		<b>Positive Points</b>	<b>0</b>
PL:	PL-2020-0340			
Date:	11/3/2020		<b>Negative Points</b>	<b>0</b>
Staff:	Jeremy Lott, Planner II			
			<b>Total Allocation:</b>	<b>0</b>
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
<b>1/A</b>	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		Parking within LUD 9 is appropriate.
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
<b>3/A</b>	<b>Density/Intensity</b>	Complies		There is no Density associated with this project.
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		There is no Mass associated with this project.
<b>5/A</b>	<b>Architectural Compatibility</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
<b>6/A</b>	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex/Multi-family Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)	0	This policy has been deemed irrelevant to the scope of the application due to the temporary nature of the project. This shall not set precedent for other projects because of the uniqueness of this project.
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
<b>8/A</b>	<b>Ridgeline and Hillside Development</b>	Complies		
<b>9/A</b>	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
<b>12/A</b>	<b>Signs</b>	Complies		
<b>13/A</b>	<b>Snow Removal/Storage</b>	Complies		Proposal meets minimum area.
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
<b>14/A</b>	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
<b>15/A</b>	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
<b>16/A</b>	<b>Internal Circulation</b>	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
<b>17/A</b>	<b>External Circulation</b>	Complies		Addition of a sidewalk area and crosswalk for pedestrian safety.



<b>18/A</b>	<b>Parking</b>	Complies		See staff report for Relief Procedures for a variance of not meeting Chapter 3 requirements.
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)		
<b>19/A</b>	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
<b>22/A</b>	<b>Landscaping</b>	Complies		See variance language in staff report.
22/R	Landscaping	2x(-1/+3)		
<b>24/A</b>	<b>Social Community</b>	Complies		
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
5/R	Social Community - Conservation District	3x(-5/0)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Primary Structures - Historic Preservation/Restoration - Benefit	+1/3/6/9/12		
24/R	Social Community - Secondary Structures - Historic Preservation/Restoration - Benefit	+1/2/3		
24/R	Social Community - Moving Primary Structures	-3/10/15		
24/R	Social Community - Moving Secondary Structures	-3/10/15		
24/R	Social Community - Changing Orientation Primary Structures	-10		
24/R	Social Community - Changing Orientation Secondary Structures	-2		
24/R	Social Community - Returning Structures To Their Historic Location	+2 or +5		
25/R	Transit	4x(-2/+2)		
<b>26/A</b>	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
<b>27/A</b>	<b>Drainage</b>	Complies		See variance language in Staff Report.
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
<b>28/A</b>	<b>Utilities - Power lines</b>	Complies		
<b>29/A</b>	<b>Construction Activities</b>	Complies		
<b>30/A</b>	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
<b>31/A</b>	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
<b>32/A</b>	<b>Water Conservation</b>	Complies		
<b>33/R</b>	<b>Energy Conservation</b>			
	New Structures; Percent Energy Saved Beyond Adopted Residential Energy Code Standard			
33/R	Obtaining a HERS index	+1		
33/R	20-39%	+2		
33/R	40-59%	+3		
33/R	60-79%	+4		
33/R	80-99%	+5		
33/R	100%+	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		

33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
<b>34/A</b>	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
<b>35/A</b>	<b>Subdivision</b>	Complies		
<b>36/A</b>	<b>Temporary Structures</b>	Complies		
<b>37/A</b>	<b>Special Areas</b>	Complies		
37/R	Special Areas - Community Entrance	4x(-2/0)		
37/R	Special Areas - Individual Sites	3x(-2/+2)		
37/R	Special Areas - Blue River	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Special Areas - Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
<b>38/A</b>	<b>Home Occupation</b>	Complies		
<b>38.5/A</b>	<b>Home Childcare Businesses</b>	Complies		
<b>39/A</b>	<b>Master Plan</b>	Complies		
<b>40/A</b>	<b>Chalet House</b>	Complies		
<b>41/A</b>	<b>Satellite Earth Station Antennas</b>	Complies		
<b>42/A</b>	<b>Exterior Loudspeakers</b>	Complies		
<b>43/A</b>	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
<b>44/A</b>	<b>Radio Broadcasts</b>	Complies		
<b>45/A</b>	<b>Special Commercial Events</b>	Complies		
<b>46/A</b>	<b>Exterior Lighting</b>	Complies		
<b>47/A</b>	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		Proposed fencing meets this policy.
<b>48/A</b>	<b>Voluntary Defensible Space</b>	Complies		
<b>49/A</b>	<b>Vendor Carts</b>	Complies		
<b>50/A</b>	<b>Wireless Communications Facilities</b>	Complies		

## TOWN OF BRECKENRIDGE

Parkway Center Temporary Parking Lot Variances  
Parkway Center, Block 2, Lot 1  
410 North Park Avenue  
PL-2020-0340

### 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 **October 29, 2020** 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 **November 3, 2020** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. This terms of approval are valid for one year, therefore the site buffering requirements of Policy 7/R, section B. are not relevant, as the improvements will be removed after the parking lot operations cease.

### VARIANCES UNDER DEVELOPMENT CODE

1. Section 9-1-19-18A, "Policy 18 (Absolute) Landscaping" provides as follows:

Off Street Parking: All developments within the Town shall comply with chapter 3, "Off Street Parking Regulations", of this title.

2. Section B8 of Section 9-1-19-22A, "Policy 22 (Absolute) Landscaping" provides as follows:

Not less than six percent (6%) of the interior area of a parking lot shall be landscaped.

3. Section A of Section 9-1-19-27A, "Policy 27 (Absolute) Drainage" provides as follows:

A. Drainage Improvements: It shall be the responsibility of the applicant to provide drainage improvements as required by the Town of Breckenridge Municipal drainage standard.

4. The Applicant seeks variances from Policy 18 (Absolute), Policy 22 (Absolute) and Policy 27 (Absolute) in connection with the construction of a temporary parking lot as described in the Application.

5. The Applicant has filed the required application for two variances as described above, and has paid the applicable fee.

6. All required notice with respect to the hearing on the Town's request for the two variances has been given as required by the Development Code.

7. The Application does not comply with the requirements of Policy 22 (Absolute) B. 8. and Policy 27 (Absolute). Therefore, unless variances are granted with respect to the requirements of such policies, the Application will have to be denied pursuant to Section 9-1-18-2(E)(5) of the Development Code. ("If the proposed development does not implement all affected absolute policies (subject to variance) . . . the Planning Commission shall deny the permit.").

8. Paragraph (A)(2) of Section 9-1-11 of the Development Code provides that "*(a) variance may be granted with respect to any absolute policy contained in this chapter.*"

9. An absolute policy is defined by Section 9-1-5 of the Town's Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code) as "*a policy which, unless irrelevant to the development, must be implemented for a permit to be issued. The policies are described in section 9-1-19 of this chapter.*"

10. The two policies from which the Applicant seeks variances are absolute policies as defined in Section 9-1-5 of the Development Code. As such, the Planning Commissions may properly grant variances pursuant to Section 9-1-11 of the Development Code.

11. A variance is defined in Section 9-1-5 of the Development Code as follows:

*VARIANCE: A finding by the approving agency that, although a proposed development is not in strict compliance with an absolute policy, to deny the development permit would result in "undue hardship" as defined by law. No relief from compliance with an absolute policy shall be granted except upon findings that:*

*A. the failure to implement the absolute policy is of insignificant proportions; and*

*B. the failure to implement the absolute policy will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy; and*

*C. there are exceptional circumstances applicable to the specific development which do not apply generally to other properties in the same district or neighborhood.*

12. Section 9-1-11 of the Development Code sets forth the Town's rules for the granting of a variance from the provisions of the Development Code.

13. Paragraph A of Section 9-1-11 of the Development Code provides as follows:

*A. Purpose/Limitations:*

*1. In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter, variances from the regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.*

This paragraph establishes one requirement for the granting of a variance.

14. Paragraph D of Section 9-1-11 of the Development Code sets forth the additional criteria which must be established by an applicant in order for a variance to be granted. Such paragraph provides as follows:

*D. Criteria for Approval: Before the commission can grant a variance application, the applicant must prove physical hardship and the commission must find all of the following:*

*1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.*

*2. That such special circumstances were not created by the applicant.*

*3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.*

*4. The variance applied for does not depart from the provisions of this chapter any more than is required.*

15. The Planning Commission has received and considered the evidence submitted in connection with the Applicant's request for the two variances; and based upon such evidence makes the following findings as required by the definition of a "variance" in Section 9-1-11 of the Development Code:

A. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.

*Reason/Factual Basis for Finding:* Special conditions apply to this application due to circumstances surrounding the request. Since the Town has initiated the South Gondola Lot Parking Structure and eliminated a large reservoir of skier parking until November 2021, staff believes this project meets the special circumstances required for a variance. Furthermore, this would only be for one year until such time the South Gondola Lot Parking Structure will open. If the applicant wishes to continue the use of this parking lot for longer, a new application meeting all the requirements of the Town Code will be required.

B. That such special circumstances were not created by the applicant.

*Reason/Factual Basis for Finding:* The request is a result of the reduced amount of skier parking in the core of Town and not the Applicant.

C. That the granting of the two variances will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

*Reason/Factual Basis for Finding:* Due to the decreased skier parking in the immediate area, this parking lot will provide additional parking within walking distance to the Gondola and Main Street, help to reduce demand in other locations of Town. The proposal will also decrease demand on the Town's transit system during the Covid 19 pandemic. Approval of this application will not be detrimental to adjacent properties or to the public in general as it is only for one year.

- D. The variances applied for does not depart from the provisions of this chapter any more than is required

*Reason/Factual Basis for Finding:* The parking lot to be constructed is temporary and is easily reversible. Due to the construction of the South Gondola Lot Parking Structure, this use is a temporary alternative and staff feels that this proposal is similar in nature to the previous unpaved parking lot on the South Gondola Lot. The South Gondola Lot Parking Structure is planned for completion in November 2021 and if this parking lot is to continue operation beyond the one-year term, it will be required to come into compliance with the Town Code.

#### VARIANCE UNDER OFF STREET PARKING REGULATIONS

1. Section 9-3-16 of the Town's Off-Street Parking Regulations authorizes the Planning Commission to grant a variance from the requirements of the Off-Street Parking Regulations, including, without limitation, the requirements of Section 9-3-8(A), under certain conditions. The specific variance authorization provided in Section 9-3-16 of the Off-Street Parking Regulations controls over the general variance authorization provided in Section 9-1-11 of the Development Code.

2. Insofar as is relevant to this Application, Paragraph A of Section 9-3-16 provides as follows:

The Planning Commission may grant a variance, exception or waiver of condition from any requirement of this Chapter, upon written request by a developer or owner of property subject to this Chapter, following a public hearing, and only upon finding that . . .

(2) . . . extraordinary hardships or practical difficulties may result from the strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal or requirement. No variance shall have the effect of nullifying the intent and purpose of these regulations. The Town Council shall not approve a variance, exception or waiver of condition unless it makes findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance, exception or waiver of condition will not be detrimental to the public health, safety, or welfare or injurious to other property;
  2. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
  3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and
  4. The relief sought will not in any manner vary the provisions of the Development Code, Town Master Plan or other Town law, except that those documents may be amended in the manner prescribed by law.
3. The Applicant has submitted a written request for a variance from the requirements of Section 9-3-8(A) of the Town's Off-Street Parking Regulations in order to waive requirements for installation of landscaping, lighting, and paving. The Applicant's request was submitted in accordance with Section 9-3-16(A) of the Town's Off-Street Parking Regulations.
  4. The Planning Commission has received and considered the evidence submitted in connection with the Applicant's request, and based upon such evidence makes the following findings:

- A. Extraordinary hardships or practical difficulties may result from the strict compliance with these regulations and/or the purposes of the Town's Off-Street Parking Regulations may be served to a greater extent by an alternative proposal or requirement.

*Reason/Factual Basis for Finding:* The request to waive installation requirements of landscaping, lighting, or paving is practical because the parking lot is only proposed for one year, while the South Gondola Parking Structure construction is completed. After one year, the applicant will return the lot to its current state and installation and removal of more permanent improvements is impractical.

- B. The granting of the variance as requested by the Applicant will not have the effect of nullifying the intent and purpose of the Town's Off-Street Parking Regulations (Chapter 3 of Title 9 of the Breckenridge Town Code).

*Reason/Factual Basis for Finding:* The construction of this temporary parking lot will not be detrimental to persons or property. Due to the construction of the South Gondola Lot Parking Structure its reservoir of parking unable to be utilized until November 2021, this proposed parking lot will help alleviate some skier parking demand by providing an additional area of parking close to the gondola. Not installing lighting or landscaping will not be detrimental because this is a temporary lot. Not paving the parking area is appropriate because this lot will not be in operation after one year.

- C. The granting of the variance as requested by the Applicant will not be detrimental to the public health, safety, or welfare or injurious to other property.

*Reason/Factual Basis for Finding:* The construction of this temporary parking lot will not be detrimental to persons or property. Due to construction at the South Gondola Lot, this proposed parking lot will help alleviate some skier parking demand by providing an area of parking closer to the gondola. Not installing lighting or landscaping will not be detrimental because this is a temporary lot. Not paving the parking area is appropriate because this lot will not be in operation after one year.

- D. The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property.

*Reason/Factual Basis for Finding:* The lot that is the subject of this Applicant is unique because it was previously used for parking and is close to the Gondola. The lot will also be put back to its current state after parking operation cease. If the lot is to be used for parking after one year, lighting, landscaping, and paving will be required via a new Development Permit.

- E. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

*Reason/Factual Basis for Finding:* If the strict letter of the Town's Off-Street Parking Regulations is carried out, the Applicant will be required to install lighting, landscaping, and paving for a temporary solution to a reduction in skier parking due to construction by the Town of the new Parking Structure on the South Gondola Lot. Since the Applicant's proposal is for one year only, it would be a hardship to construct a parking lot that meets Town Code just to remove it one year later.

- F. The relief sought will not in any manner vary the provisions of the Development Code, Town Master Plan or other Town law, except that those documents may be amended in the manner prescribed by law.

*Reason/Factual Basis for Finding:* The relief sought for the installation of lighting, parking, and paving, do not vary the actual provisions of the development code, but allow for a temporary parking lot to be installed while the Town is constructing the new South Gondola Lot Parking Structure. This relief is only valid for one year and the project will be required to come into compliance with the Town Code if the parking operation is to continue.

The granting of the wavier requested by the Applicants is expressly authorized by Section 9-3-16 and will not vary the provisions of the Development Code, Town Master Plan or other Town law, except to the extent expressly authorized by Section 9-3-16. More specifically, the relief sought by the Applicant with respect to the installation of lighting, parking, and paving, does not vary actual the Development Code, but instead allows for a temporary parking lot to be installed while the Town is constructing the new parking structure on the South Gondola Lot. This relief is only valid for one year and the project will be required to come into compliance with the Town Code if the parking operation is to continue.

#### NOT A PRECEDENT

1. Due to the unique nature of this Application, the Planning Commission finds that the Application should receive no negative points under Section 9-1-13-7R, "Policy 7 (Relative) "Site and Environmental Design," because the policy is deemed to be irrelevant because of the temporary duration of the use proposed in the Application. Awarding zero points under Policy 7R shall not set precedent for future development permit applications because of the demonstrated uniqueness of the Application.

#### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. **This permit expires one year from date of issuance, on November 10, 2021. If this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be one year, but without the benefit of any vested property right.**
4. **Under normal circumstances, this permit would normally be valid for 3 years. The Applicant has proposed a temporary parking lot and has agreed, and by its acceptance of this permit does agree, that both the Vested Rights and the duration of this Development Permit will expire on November 10, 2021.**
5. **If operations on this parking lot are planned for continuance beyond the one year duration of this permit, the Applicant must submit a new development permit application showing compliance with all requirements of the Town Code.**
6. 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.
7. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of completion for the project covered by this permit. The determination of whether a certificate of completion 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.



8. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
9. **The Applicant shall schedule a meeting with staff in Planning and Engineering prior to installation of any fence, sidewalk, or drainage ditch to verify locations of these items on site.**
10. **Applicant shall be responsible for all snow plowing and removal as the Town will not perform any snow removal operations for this lot.**
11. **The width of the drive aisles within the parking lot must be maintained at 24' throughout the duration of the approval for this permit.**
12. Applicant shall submit proof of ownership of the project site or approval from the property owner.
13. 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.

#### PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETION

1. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
2. 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.
3. 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 Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
4. No Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. 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.**

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

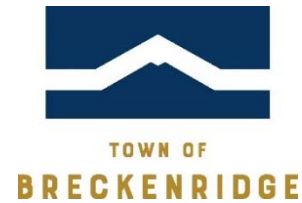








# Memo



To: Planning Staff  
From: Shannon Smith, Town Engineer  
Date: 10/29/2020  
Subject: Temporary Parking on Parkway Center Parcel

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The Parkway Center Temporary Parking Lot will add 165 parking spaces on the vacant gravel lot adjacent to French Street and the shopping center development. While currently vacant, it is Staff's understanding that this lot has been used for seasonal parking as recently as 2008.

Public Works Staff's support for this project is tied to the loss of 550 downtown core and gondola accessible parking spots on the South Gondola Lot during the parking structure construction. In addition to the loss of the South Gondola lot for the 2020/2021 season, current COVID 19 restrictions to Transit occupancy (currently restricted to 50%) will impact wait times for guests utilizing the Airport Rd parking lot as the number of Town buses and available drivers is generally fixed. Guests utilizing this temporary parking can walk to the gondola and will not be Transit dependent for mountain access.

It is anticipated that the vast majority of vehicles accessing this parking will use French St and Park Avenue. French Street currently becomes congested during the afternoon peak times when North Gondola Lot traffic exits to French Street and causes delays at the shopping center driveway. The additional traffic exiting the proposed parking during peak times will generally be forced to queue in the parking lot and drive lanes within the development and will not further degrade already congested French St. It is not anticipated that the additional traffic generated by the temporary parking will impact Park Avenue based on the deduction of the 550 spaces on the South Gondola Lot that historically access Park Avenue from Watson Ave. Public Works supports the temporary parking for a 1-year timeframe due to the loss of parking on the South Gondola Lot for the 2020/2021 season.

**Planning Commission Staff Report**

**Subject:** Adams Place Townhouses Redevelopment  
(Class A Development, 2<sup>nd</sup> Preliminary Hearing; PL-2020-0299)

**Proposal:** The applicant proposes demolition of the existing five unit, 2,590 sq. ft. structure known as the “Tri-G Building”, change the approved use of the property to residential, and construction of a three unit, 5,343 sq. ft. townhouse building.

**Date:** October 28, 2020 (For meeting of November 3, 2020)

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

**Architect:** J.L. Sutterley, Architect

**Applicant:** Alan Evans, New West Partners

**Owner:** Whiskey & The Vine Real Estate Holdings LLC

**Address:** 105 E. Adams Ave.

**Legal Description:** Stiles Addition Subdivision, Block 3, Lot 17

**Lot size:** 0.145 AC (6,317 sq. ft.)

**Land Use District:** #18-2, Residential: 20 UPA, Commercial: 1:1 FAR

**Conservation District:** #14: South Main Transition Character Area, 13.5 UPA above ground maximum

**Site Conditions:** The lot contains an existing two-story 2,590 sq. ft. building on the north portion of the lot. The majority of the southern portion of the lot contains an existing asphalt parking lot. There is a 25’ Town of Breckenridge Water Line Easement, and another Town of Breckenridge Utility Easement, located in the southwest corner of the lot. There is a 5’ Public Service Company Utility Easement along the eastern property line, and a Snow Storage Easement along the western property line shared with the Ridge Street Alley right-of-way. There are approximately 21 existing trees, mostly Aspens ranging in caliper between 6” and 12”, on the northern and western portions of the lot.

**Adjacent Uses:** North: Adams Ave right-of-way, Commercial  
South: Ridge Street Alley right-of-way, Commercial  
East: Commercial  
West: Adams Ave right-of-way, Commercial

**Density:**

Max. recommended per LUGs:	4,640 sq. ft. total (20 UPA)
Proposed:	4,557 sq. ft. total (19.6 UPA)

**Aboveground Density:**



Max. allowed per Character Area #14: 3,132 sq. ft. (13.5 UPA)

Proposed: 2,950 sq. ft. (12.7 UPA)

**Mass:**

Max. recommended: 3,758.4 sq. ft.

Proposed: 3,736 sq. ft.

**Height:**

Recommended by LUGs: two stories (23')

Proposed: two stories (23', measured to mean elevation)

**Lot Coverage:**

Building / non-permeable: 2,435 sq. ft. (38.6% of site)

Hard surface / non-permeable: 631 sq. ft. (10% of site)

Open space: 2,955 sq. ft. (46.8% of site)

**Parking:**

Required: 6 spaces

Proposed: 6 spaces

**Snow Storage:**

Required: 158 sq. ft. (25% of hardscape)

Proposed: 160 sq. ft. (25.3% of hardscape)

**Setbacks:**

Required (Absolute) for residential use:

Front: 10 ft.

Side: 3 ft.

Rear: 10 ft.

Recommended:

Front: 15 ft.

Side: 5 ft.

Rear: 15 ft.

Proposed:

Front: 10 ft.

Side: 5 ft. (east), 8'-9" ft. (west)  
Rear: 15 ft.

**Interior Storage:**

Townhouse A:

Recommended: 75 sq. ft. (5%)

Proposed: 105.6 sq. ft. (6%)

Townhouse B:

Recommended: 75 sq. ft. (5%)

Proposed: 92.8 sq. ft. (5.3%)

Townhouse C:

Recommended: 79 sq. ft. (5%)

Proposed: 108.2 sq. ft. (5.8%)

**History**

The Planning Commission reviewed the project at a first Preliminary Hearing on September 15, 2020.

**Consensus Items**

**Land Use (2/A & 2/R):** The Commission supported the proposed residential use.

**Site and Environmental Design (7/R):** Complies. The Commission found the development to be adequately screened and buffered.

**Placement of Structures (9/A & 9/R):** The Commission supported negative three (-3) points for not meeting the suggested Relative Policy front yard setback recommendation of 15 ft. but meeting the Absolute Policy front yard setback of 10 ft.

**Snow Removal and Storage (13/A & 13/R):** Complies.

**Storage (14/A & 14/R):** Complies. Minimum requirement of 5% interior storage provided.

**Refuse and Recycling (15/A and 15/R):** Complies.

**Parking (18/A and 18/R):** The Commission found the proposed garages and vehicular lifts meet the off-street parking space requirement. The Commission also found the alley not to be a street, and therefore that backing onto the alley is permitted by the Off Street Parking Regulations.

The Commission supported positive two (+2) points under the Relative Policy for the placement and screening of all off-street parking from public view, with a Condition of Approval to be added at Final Hearing that prior to a Certificate of Occupancy, a Restrictive Covenant and Agreement be executed for each unit prohibiting the parking of vehicles in the driveways.

**Landscaping (22A & 22/R):** The Commission supported positive two (+2) points for an above average landscape plan.

**Social Community (24/R): E. Conservation District - Handbook of Design Standards for the Transition Character Areas: General Standards and Standards for South Main Transition Character Area #14:** The Commission found the project to comply with the following Design Standards: 258, 259, 260, 347, 262, 344, 345, 264, 267, 268, 269, 270, 271, 273, 346, 342, and 349

**Drainage (27/A & 27/R):** Complies.

**Construction Activities (29/A):** The Commission supported the requirement for a Construction Management Plan to be submitted prior to Final Hearing.

**Energy Conservation (33/R):** The Commission supported positive two (+2) points for submittal of a HERS/ERI analysis confirming 20% - 39% energy saved in new residential construction beyond IECC and SSBC Standards, whichever code is the most restrictive. A preliminary analysis is required prior to a Final Hearing, and staff will add a Condition of Approval at Final Hearing requiring a final analysis be conducted and submitted prior to issuance of a Certificate of Occupancy.

### Staff Comments

**Architectural Compatibility (5/A & 5/R):** Since the last hearing, the amount of 1x6 reverse board on board vertical siding has been reduced and replaced with 4.5” reveal horizontal lap cedar siding. Additionally, a color and material board has been provided, specifying a maximum of three (3) colors, and the elevations have been revised to specify a maximum of 25% non-natural materials on any elevation including metal brackets, metal door panels, and the chimney. Staff does not have any concerns. The proposed architecture has been further reviewed for compliance with the Handbook of Design Standards for the Transition Character Areas under the Policy 24/R, discussion below.

**Social Community (24/R): E. Conservation District - Handbook of Design Standards for the Transition Character Areas: General Standards and Standards for South Main Transition Character Area #14**

### Mass and Scale

*Priority Design Standard 257: New buildings should step down in scale along the edges of properties that lie adjacent to smaller historic properties. In general, buildings of one and two stories that are similar in height to those seen historically are more appropriate. Also locate one-story wings along the edges of properties that abut historic buildings to reduce the perceived sense of building scale.* Since there are one-story historic buildings on the lot to the west across the alley, this Standard is applicable. The proposed townhouses do not exceed two-stories, which is deemed appropriate by this Standard. Due to the shape of the lot, the applicant does not propose one-story “wings”, but one-story porches and garages are proposed along the entire western façade. The provided streetscape shows the townhouse building successfully transitions down from the much larger Cohn Enterprises building to the east towards the smaller historic buildings across the alley to the west. Staff does not have any concerns.

### Roof and Building Forms

*Priority Design Standard 261: In residential areas, a gable roof should be the primary roof form in an individual building design....flat roof forms are inappropriate...simple combinations of gable and other roof forms are appropriate.* At the last Hearing, three Commissioners found the proposed rooftops decks for each townhouse (above the garage on Townhouse A and B, and above the master bedroom on

Townhouse C) to comply with Priority Design Standard 261, one did not, one requested more information and had concerns, and one Commissioner was undecided. In response to the concerns expressed by the Commission, the applicant has provided three-dimensional renderings of the townhouse building, including a view of the building from the corner of the alley and E. Adams Ave. Additionally, the applicant has provided sections showing the character of the north and south elevations on either side of the proposed rooftop decks. Finally, the applicant has provided a detail of the proposed metal deck railings (inadvertently omitted from the Commission's packet at the last hearing).

Roof top decks were not a traditional roof form found historically in Breckenridge, and therefore staff has discouraged them in the Historic District. However, staff supports the proposed rooftop decks as flat roofs, considering the following:

- This lot is location within a Transition Character Area, not the Historic District,
- gable roofs are the primary roof forms proposed,
- the rooftop decks are minimally visible from S. Main St. and E. Adams Ave., the latter due to the fact that the building's roof forms mostly obscure the view of the decks and railings,
- the only location the rooftop decks will be highly visible is from the alley,
- the open character of the proposed metal railings reduce the perceived visual massing of the building as compared to the possible alternative of a solid parapet wall, which is not a residential application found historically, and
- there is past precedent for allowing rooftop decks in the Historic and Conservation Districts including:
  - Ploss Residence at 305 N. French St. (PL-2017-0153) in Historic District: rooftop heated deck above the garage and mudroom, only visible from an alley.
  - 319 N. French St. Restoration, Addition and Landmarking (PL-2018-0367) in Historic District: rooftop deck above garage
  - Hilliard House Restoration, Addition and Landmarking (PL-2017-0297) in Historic District: rooftop deck outdoor seating area above restaurant.

### **Pedestrian Orientation**

Priority Design Standard 263: *Orient the primary entrance toward the street or other major pedestrian way.* The entrance to Unit A faces the E. Adams Ave. sidewalk, and the entrances to Units B and C face the alley, both of which function as pedestrian connections to the lot. The addition of a walkway from Unit A to the E. Adams Ave. sidewalk since the last hearing promotes not only Unit A's orientation but also the entire townhouse building's orientation towards E. Adams Ave.

Design Standard 265: *A building's mass should step down in scale as it approaches the street or other major pedestrian ways. One to one-and-a-half story elements facing the street are encouraged in residential contexts.* Although similar to Priority Design Standard 258, this Standard additionally involves the north elevation of the townhouses because this Standard is related to the street frontage and not just to adjacent historic buildings. The west elevation does feature one-story shed roofs for the Unit A and B porches and Unit C garage, extending approximately 5 ft. towards the west, which help to reduce the perceived scale of this new structure as it approaches the alley. Approximately half of the north elevation is a one-story porch, and the remainder is two-stories, vertically oriented. At the last Hearing, four Commissioners found the shed roof forms of the porches on the north and west elevations to sufficiently "step down" the building as it approaches E. Adams Ave. and the alley as recommended by Design Standard 265. Two Commissioners requested more information and had concerns. Because the majority

of the Commission found the shed roof forms of the porches on the north and west elevations to be sufficient to “step down” the building as it approaches E. Adams Ave. and the alley, staff does not recommend any negative points under this Design Standard.

### **Building Materials**

The General Discussion preceding the South Main Transition Character Area Standards state: *“This forms the southernmost buffer to the Historic District. Much of the character in this neighborhood is well-established, in that most of the lots are already developed. Redevelopment of some of these parcels, however, may certainly occur. Many buildings are single family residences in appearance, and are built of **painted wood siding**”* (Emphasis Added). Staff has reviewed exterior materials under Design Standard 266 and Priority Design Standard 272A discussions below.

Design Standard 266: *Incorporate features that help to establish a sense of human scale in new construction. Use materials and building components in sizes that are typical of historic buildings in the Historic District. Some typical building materials, when used in sizes seen traditionally, help to establish a sense of human scale. Examples are wood siding (in a lap dimension of no greater than four and one-half (4-1/2) inches), vertical siding or natural stone foundations no taller than twelve (12) inches. Windows and doors in sizes typical of historic buildings in the Historic District also help establish a sense of human scale. Step down buildings with smaller forms, including shed addition and porches.*

Priority Design Standard 272A: *Use materials that appear to be the similar to those seen historically. Greater variety in materials may be considered in the Transition Character Areas than in the Historic District.*

Staff does not have any concerns with the proposed windows and door sizes. The specified exterior materials continue to include asphalt shingle roofing, low seamed metal roofing, 1x6 reverse board on board vertical wood accent siding, and 1x random width 6-10 inch rough sawn oiled vertical wood accent siding. The proposed porches provide the recommended smaller forms that step down the townhouses. At the last Hearing, the Commission unanimously agreed that the primary siding material for the proposed townhouses should be 4 ½” reveal horizontal lap siding in order to comply with Priority Design Standard 272 and Design Standard 266, otherwise the project fails Policy 24/A and an additional negative three (-3) points are warranted. Since the last hearing, the amount of 1x6 reverse board on board vertical siding has been reduced and replaced with painted 4.5” reveal horizontal lap cedar siding. This is consistent with the recent precedent of another Transition Character Area project, the Billingham Residence Exterior Remodel and Carport (PL-2020-0214, 219 Highland Terrace). Staff requests feedback from the Commission as to whether it finds the amount of 4.5” reveal horizontal lap cedar siding now complies with Design Standard 266 and Priority Design Standard 272A.

The applicant has also revised the elevations to propose corrugated metal as a secondary siding material and wainscot, instead of metal paneling. The chimney on Unit A is now proposed to be faced with rusting flat metal paneling. The Billingham Residence precedent mentioned above was approved with corrugated metal on the chimney, which is a material used historically. Because flat metal paneling is not a material that appears to be similar to those seen historically and nor typical of historic buildings in the Historic District, staff finds the proposed metal paneling on the chimney warrants negative three (-3) points under Design Standard 266 and fails Priority Design Standard 272A. Does the Commission concur?

## **Doors and Windows**

**Design Standard 274:** *Use a solid-to-void ratio resembling that seen historically in similar neighborhoods.* At the last Hearing, four of the six Commissioners agreed that windows on the upper level of Townhouse B and C's west elevation should either be reduced in number or be further separated in order to comply with Design Standard 274, otherwise an additional negative three (-3) points are warranted. The applicant has made a significant reduction in the amount of proposed glazing since the last Hearing, removing seven (7) windows in total. Staff finds the revised solid-to-void ratio appropriate and does not have any concerns.

**Design Standard 352:** *The character of windows, doors and architectural details generally are not as critical in the South Main Transition Character Area. An exception is when such elements are so configured as to affect the overall scale or character of a building as it relates to other design standards in this document.* The proposed single pane and double hung windows are similar in size to those found historically in Town. At the last Hearing, four of the six Commissioners agreed that a more traditional design should be selected for the proposed entry and garage doors in order to comply with Design Standard 352, otherwise an additional negative three (-3) points are warranted. Since the last Hearing, the garage doors are proposed to be faced with painted 1x6 reverse board on board vertical wood siding to match the proposed accent siding. The applicant has revised the elevations to specify the exterior doors to feature three (3) metal panels insets with a fourth glass panel on the top. Although the four-panel design is found historically in Breckenridge, the inclusion of metal panels instead of wood is a more contemporary design not found on historic structures. Staff finds that the proposed doors negatively affect the overall character of the building and recommend negative three (-3) points.

**Subdivision (35/A):** Since the last Hearing, the applicant has stated they are interested in modifying their Subdivision Plan to designate the lot area surrounding the proposed townhouse building to be General Common Element owned by all three unit owners in association, and to create a building footprint lot for each townhouse. The applicant has not submitted a revised Subdivision Plan.

Per the Subdivision Standards 9-2-4-5 C. Lot Dimensions and Standards: *1. Lots for residential uses and all lots located within residential neighborhoods shall be a minimum of five thousand (5,000) square feet in size, except lots created through the subdivision of townhouses, duplexes, or building footprint lots created as part of a master plan...* The applicant proposes townhouses, but on footprint lots that are not part of a Master Plan. Staff consulted with the Town Attorney in regards to this matter. Because the Town has established precedent of approving other townhouse developments on footprint lots that are less than 5,000 sq. ft. but not part of a Master Plan, the Town Attorney finds the applicant's plan to subdivide the existing lot into footprint townhouse lots surrounded by General Common element to be acceptable. Prior to the Final Hearing, a proposed subdivision plat prepared by a licensed surveyor registered in the State of Colorado is required. The proposed plat will be required to show the recommended setbacks per Policy 9/R as a perimeter boundary labeled as a Building Envelope, with a plat note prohibiting structures outside of the Building Envelope.

**Parking (18/A and 18/R):** The driveway for Unit A has been revised to meet the minimum required width of 12 ft., and the first 5 ft. of the driveways is now specified on the Site Plan to match the cross slope of the alley.

The proposed driveways continue to not meet the requirement of the Off-Street Parking Regulations to have a 90-degree intersection with the alley. The Town's Engineering Division supports waiving this standard due to the fact that the eastern and western side yard property lines are not parallel. After the first 5 ft. of the driveways, the next 15 ft. continues to exceed the maximum allowed slope of 4%. The Town's Engineering Division also supports waiving this standard due to the minimal length of the driveways. A



Finding will be added at the Final Hearing regarding the Town Engineer's waiver of both of these standards.

Since the last Hearing, staff consulted with the Town Attorney to discuss the enforcement of vehicles not parking in the driveways, since one of the driveways would not be long enough to accommodate a vehicle, and because the applicant is requesting positive points for the screening of parking from public view in the garages. The Town Attorney recommended a Condition of Approval including the following:

- Per Town Code section 7-1-2, it is “*unlawful for a person to park a vehicle upon a shared private driveway other than in a town-approved parking area*”. The proposed shared driveway for Townhouse Units B & C is not a parking area approved by the Town, as the length of the portion of the driveway that is on private property does not meet the minimum length of 18 ft. required by the Town's Off-Street Parking Regulations. Also, the Town has awarded positive two (+2) points under Policy 18/R for all parking being screened from public view in the garages of Townhouse Units A, B, and C. Therefore, the driveways of Townhouse Units A, B, and C are not approved as a parking area by the Town, and it shall be unlawful for a person to park a vehicle upon the shared driveway of Townhouse Units B & C.
- Per Town Code section 4-1-8-1 Special Conditions Of License - All Accommodation Units, “*No motor vehicles shall be parked on the lawn or landscaped areas of an accommodation unit, or in the public street or right-of-way adjacent to the accommodation unit.*” If Townhouse Units A, B, or C are used as Accommodation Units (short term rental) and the occupants of such unit park a vehicle in the adjacent alley right-of-way, the holder of the Accommodation Unit BOLT license for such unit shall be in violation of this Condition of Approval and subject to administrative fines and the suspension or revocation of the Accommodation Unit BOLT license for repeated violations. The “Responsible Agent” for any Accommodation Unit on the property shall acknowledge the provisions of Town Code section 4-1-8-1 in writing prior to the issuance of an Accommodation Unit BOLT license.
- A Restrictive Covenant and Agreement shall be recorded for each townhouse unit, prohibiting parking in the driveway of each townhouse unit.
- A permanent sign shall be displayed at the driveway of each townhouse, stating “*Parking in driveway is prohibited by the Town of Breckenridge.*”

Policy 18/R states that a positive point is warranted for a driveway that is shared by “*more than one use or parcel of land*”. Because the driveway shared by Units B and C is now proposed to be located on a General Common Element parcel, staff no longer recommends positive points for a common driveway.

**Energy Conservation (33/R):** Since the last Hearing, the applicant has specified all of the rooftop decks and a portion of each driveway to be heated, totaling 999 sq. ft. of outdoor heated space. Staff recommends negative two (-2) points for 500-1,000 sq. ft. of outdoor heated space.

**Internal and External Circulation (16/A, 16/R & 17/A):** A sidewalk already exists along the northern lot boundary. Due to the size of this residential development, staff does not find an additional sidewalk is necessary along the alley, and installing one would inhibit the Town's snow plowing operations in the alley. The applicant has added a walkway from the Unit A north entry to the E. Adams Ave. sidewalk, which staff finds will improve the pedestrian friendliness of the property and is supported by Priority Design Standard 263 and Design Standard 342. Staff does not have any concerns.

**Placement of Structures (9/A & 9/R):** At the last Hearing, three of the six Commissioners were not in support the roof eaves on the north side of the building extending into the Absolute front yard setback requirement by approximately 12”. Two were in support, and one supported an alternative solution. Since

the last Hearing, the applicant has moved the entire townhouse building south to abut the southern rear yard setback recommendation. Staff does not have any concerns.

**Exterior Lighting 9-12:** A lighting plan is required prior to a Final Hearing.

### **Preliminary Point Analysis**

Staff has evaluated this application for compliance with all Absolute and Relative Policies and the Handbook of Design Standards. Under the Absolute Policies, staff finds the proposal fails the following:

Policy 24/A Social Community:

- Priority Design Standard 272A: The flat metal paneling on the Unit A chimney is not a material that appears to be similar to material used historically.

Under the Relative Policies, staff recommends points as follows:

-3: Policy 9/R Placement of Structures, for not meeting the suggested Relative Policy front yard setback recommendation of 15 ft. but meeting the Absolute Policy front yard setback of 10 ft.

-6: Policy 24/A Social Community

- Design Standard 352: (-3) points. The proposed entry doors are of a more contemporary design not found on historic structures,
- Design Standard 266: (-3) points. The flat metal paneling on the Unit A chimney is not a material typical of historic buildings in the Historic District,

-2: Policy 33/R Energy Conservation, for 500-1,000 sq. ft. of outdoor heated space,

+2: Policy 18/R Parking, for screened parking,

+2: Policy 22/R Landscaping, for a landscape plan that provides some public benefit, and

+2: Policy 33/R Energy Conservation, for HERS/ERI analysis confirming 20% - 39% energy saved in new residential construction beyond IECC and SSBC Standards, whichever code is the most restrictive.

TOTAL: Cumulative score of negative five (-5) points.

### **Questions for the Commission**

1. Does the Commission find the amount of 4.5" reveal horizontal lap cedar siding complies with Design Standard 266 and Priority Design Standard 272A?
2. Does the Commission agree with staff that the proposed flat metal paneling on the chimney of Unit A does not comply with Design Standard 266 and Priority Design Standard 272?



Class C Major Single Family Development Point Analysis				
Project:	Adams Place Townhouses Redevelopment	Positive Points	+6	
Plan #	PL-2020-0299			
Date:	10/28/2020	Negative Points	- 11	
Staff:	Chapin LaChance, AICP - Planner II			
		<b>Total Allocation:</b>	<b>- 5</b>	
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
	Land Use Guidelines - Uses	4x(-3/+2)	0	Because the current use is residential, the last documented approved use included residential, and the LUGs recommend residential use, staff does not have any concerns with the proposed residential use.
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
	Density/ Intensity Guidelines	5x (-2>-20)	0	<b>Max. recommended per LUGs:</b> 4,640 sq. ft. total (20 UPA) <b>Proposed:</b> 4,557 sq. ft. total (19.6 UPA)
4/R	<b>Mass</b>	5x (-2>-20)	0	<b>Max. recommended:</b> 3,758.4 sq. ft. <b>Proposed:</b> 3,736 sq. ft.
5/A	<b>Architectural Compatibility</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
	Architectural Compatibility / Conservation District	5x(-5/0)	0	A color and material board has been provided, specifying a maximum of three (3) colors, and the elevations have been revised to specify a maximum of 25% non-natural materials on any elevation including metal brackets, metal door panels, and the chimney. Complies.
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
	<b>Building Height</b>	Complies		<b>Recommended by LUGs:</b> two stories (23') <b>Proposed:</b> two stories (23', measured to mean elevation)
6/A	<b>Relative Building Height - General Provisions</b>	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	<b>Site and Environmental Design - General Provisions</b>	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
	Site and Environmental Design / Site Buffering	4X(-2/+2)	0	Staff finds that the applicant has thoroughly addressed screening and buffering on all sides of the lot, and does not have any concerns.
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
	<b>Placement of Structures</b>	Complies		Required (Absolute) for residential use: Front: 10 ft. Side: 3 ft. Rear: 10 ft.  Proposed: Front: 10 ft. (to wall) Side: 5 ft. to east, 8'-9" ft. to west Rear: 15 ft.
9/A				
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)	- 3	<p>Recommended: Front: 15 ft. Side: 5 ft. Rear: 15 ft.</p> <p>Proposed: Front: 10 ft. (to wall) Side: 5 ft. to east, 8'-9" ft. to west Rear: 15 ft.</p> <p>The northernmost townhouse does not meet the Relative front yard setback recommendation of 15 ft. Staff recommends negative three (-3) points for only meeting three (3) of the four (4) recommended setbacks.</p>					
12/A	Signs	Complies							
13/A	<b>Snow Removal/Storage</b>	Complies							
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)	0	<p>Required: 158 sq. ft. (25% of hardscape) Proposed: 160 sq. ft. (25.3% of hardscape)</p>					
14/A	<b>Storage</b>	Complies							
14/R	Storage	2x(-2/0)	0	<p>Townhouse A: Recommended: 75 sq. ft. (5%) Proposed: 105.6 sq. ft. (6%)</p> <p>Townhouse B: Recommended: 75 sq. ft. (5%) Proposed: 92.8 sq. ft. (5.3%)</p> <p>Townhouse C: Recommended: 79 sq. ft. (5%) Proposed: 108.2 sq. ft. (5.8%)</p>					
15/A	<b>Refuse</b>	Complies		<p>Although the proposed development is considered "multi-unit residential" per the Development Code, the Absolute Policy does not require a shared trash dumpster or compactor with this project because less than seven (7) units are proposed.</p>					
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		<p>A sidewalk already exists along the northern lot boundary. Due to the size of this residential development, staff does not find an additional sidewalk is necessary along the alley, and installing one would inhibit the Town's snow plowing operations in the alley. The applicant has added a walkway from the Unit A north entry to the E. Adams Ave. sidewalk, which staff finds will improve the pedestrian friendliness of the property and is supported by Priority Design Standard 263 and Design Standard 342.</p>					
16/R	Internal Circulation / Accessibility	3x(-2/+2)							
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)							
17/A	<b>External Circulation</b>	Complies							
18/A	<b>Parking</b>	<b>FAILS</b>		<p>Required: 6 spaces Proposed: 6 spaces</p> <p>The proposed driveways continue to not meet the requirement of the Off-Street Parking Regulations to have a 90-degree intersection with the alley. The Town's Engineering Division supports waiving this standard due to the fact that the eastern and western side yard property lines are not parallel. After the first 5 ft. of the driveways, the next 15 ft. continues to exceed the maximum allowed slope of 4%. The Town's Engineering Division also supports waiving this standard due to the minimal length of the driveways. A Finding will be added at the Final Hearing regarding the Town Engineer's waiver of both of these standards.</p>					
18/R	Parking - General Requirements	1x(-2/+2)							
18/R	Parking-Public View/Usage	2x(-2/+2)	+2	<p>All required parking is proposed inside the garages.</p>					
18/R	Parking - Joint Parking Facilities	1x(+1)							
18/R	Parking - Common Driveways	1x(+1)	0	<p>Policy 18/R states that a positive point is warranted for a driveway that is shared by "more than one use or parcel of land". Because the driveway shared by Units B and C is now proposed to be located on a General Common Element parcel, staff does not recommend positive points for a common driveway.</p>					
18/R	Parking - Downtown Service Area	2x(-2/+2)							
19/A	<b>Loading</b>	Complies							
20/R	Recreation Facilities	3x(-2/+2)							
21/R	Open Space - Private Open Space	3x(-2/+2)	0	<p>Required: 1,579 sq. ft. (25% of site) Proposed: 2,955 sq. ft. (46.8% of site)</p>					
21/R	Open Space - Public Open Space	3x(0/+2)							
22/A	<b>Landscaping</b>	Complies							

22/R	Landscaping	2x(-1/+3)	+2	The site contains 20 existing trees. The applicant proposes to remove 6 existing trees, preserve 14 existing trees, and install 14 new trees, including (1) 2" Baby Blue Eyes Spruce, (3) 8" Bristlecone Pine, (1) 2.5" caliper Cottonwood, and (9) 2.5" caliper Aspen, for a net gain of eight (8) additional trees. Staff recommends positive two (+2) points for an above average landscape plan.						
24/A	<b>Social Community</b>	Complies	<b>FAILS</b>	Priority Design Standard 272A; The flat metal paneling on the Unit A chimney is not a material that appears to be similar to material used historically.						
24/R	Social Community - Employee Housing	1x(-10/+10)								
24/R	Social Community - Community Need	3x(0/+2)								
24/R	Social Community - Social Services	4x(-2/+2)								
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)								
24/R	Social Community - Historic Preservation	3x(0/+5)	-6	Priority Design Standard 257; Complies. Priority Design Standard 258; Complies. Priority Design Standard 259; Complies. Priority Design Standard 260; Complies. Priority Design Standard 261; Complies. Priority Design Standard 262; Complies. Priority Design Standard 263; Complies. Design Standard 264; Complies. Design Standard 265; Complies. Design Standard 266; (-3) points. The flat metal paneling on the Unit A chimney is not a material typical of historic buildings in the Historic District. Design Standard 267; Complies. Design Standard 268; Complies. Design Standard 269; Complies. Design Standard 270; Complies. Design Standard 271; Complies. Priority Design Standard 272A; Staff requests the Commission feedback as to whether the amount of 4.5" reveal horizontal lap cedar siding complies? Priority Design Standard 273; Complies. Design Standard 274; Complies. Priority Design Standard 342; Complies. Design Standard 344; Complies. Design Standard 345; Complies. Design Standard 346; Complies. Design Standard 347; Complies. Design Standard 349; Complies. Design Standard 351; Complies. Design Standard 352; (-3) points. The proposed entry doors are of a more contemporary design not found on historic structures.						
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15								
25/R	Transit	4x(-2/+2)								
26/A	<b>Infrastructure</b>	N/A								
26/R	Infrastructure - Capital Improvements	4x(-2/+2)								
27/A	<b>Drainage</b>	Complies		The existing drainage pattern of the property is not proposed to be modified, and staff does see any issues with the existing conditions or the proposed minor site grading modifications.						
27/R	Drainage - Municipal Drainage System	3x(0/+2)								
28/A	<b>Utilities - Power lines</b>	N/A								
29/A	<b>Construction Activities</b>	Complies		Construction Management Plan required prior to Final Hearing.						
30/A	<b>Air Quality</b>	Complies								
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2								
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)								
31/A	<b>Water Quality</b>	Complies								
31/R	Water Quality - Water Criteria	3x(0/+2)								
32/A	<b>Water Conservation</b>	Complies								
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)								
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)								
33/R	HERS index for Residential Buildings									
33/R	HERS/ERI analysis = 20% - 39% energy saved	+2	+2	The applicant has agreed to submit a HERS/ERI analysis confirming 20% - 39% energy saved in new residential construction beyond IECC and SSBC Standards, whichever code is the most restrictive. A preliminary analysis is required prior to a Final Hearing, and staff will add a Condition of Approval at Final Hearing requiring a final analysis be conducted and submitted prior to issuance of a Certificate of Occupancy.						
33/R	HERS/ERI analysis = 40% - 59% energy saved	+3								
33/R	HERS/ERI analysis = 60% - 79% energy saved	+4								
33/R	HERS/ERI analysis = 80% - 99% energy saved	+5								
33/R	HERS/ERI analysis = 100% energy saved	+6								
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)	-2	The applicant proposes 500-1,000 sq. ft. of outdoor heated space.						
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)								
33/R	Large Outdoor Water Feature	1X(-1/0)								
33/R	Other Design Feature	1X(-2/+2)								

34/A	<b>Hazardous Conditions</b>	Complies							
34/R	<b>Hazardous Conditions - Floodway Improvements</b>	3x(0/+2)							
	<b>Subdivision</b>	Complies		The applicant proposes to designate the lot area surrounding the proposed townhouse building to be General Common Element owned by all three unit owners in association, and to create a building footprint lot for each townhouse. The applicant proposes townhouses, but on footprint lots that are not part of a Master Plan. Because the Town has established precedent of approving other townhouse developments on footprint lots that are less than 5,000 sq. ft. but not part of a Master Plan, the Town Attorney finds the applicant's plan to subdivide the existing lot into footprint townhouse lots surrounded by General Common element to be acceptable. Prior to the Final Hearing, a proposed subdivision plat prepared by a licensed surveyor registered in the State of Colorado is required. The proposed plat is required to show the recommended setbacks per Policy 9/R as a perimeter boundary labeled as a Building Envelope, with a plat note prohibiting structures outside of the Building Envelope.					
35/A									
36/A	<b>Temporary Structures</b>	Complies							
37/A	<b>Special Areas</b>	Complies							
37/R	<b>Community Entrance</b>	4x(-2/0)							
37/R	<b>Individual Sites</b>	3x(-2/+2)							
37/R	<b>Blue River</b>	2x(0/+2)							
37R	<b>Cucumber Gulch/Setbacks</b>	2x(0/+2)							
37R	<b>Cucumber Gulch/Impervious Surfaces</b>	1x(0/-2)							
38/A	<b>Home Occupation</b>	Complies							
39/A	<b>Master Plan</b>	Complies							
40/A	<b>Chalet House</b>	Complies							
41/A	<b>Satellite Earth Station Antennas</b>	Complies							
42/A	<b>Exterior Loudspeakers</b>	Complies							
43/A	<b>Public Art</b>	Complies							
43/R	<b>Public Art</b>	1x(0/+1)							
44/A	<b>Radio Broadcasts</b>	Complies							
45/A	<b>Special Commercial Events</b>	Complies							
46/A	<b>Exterior Lighting</b>	Complies		A lighting plan is required prior to Final Hearing.					
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies							
48/A	<b>Voluntary Defensible Space</b>	Complies							
49/A	<b>Vendor Carts</b>	Complies							
50/A	<b>Wireless Communication Facilities</b>	Complies							

# ADAMS PLACE

## LOT 17 - BLOCK 3, TOWN OF BRECKENRIDGE, COLORADO



**ADAMS PLACE**

LOT 17 - BLOCK 3  
EDMUND G. STILES ADDITION  
TOWN OF BRECKENRIDGE, COLORADO

COVER SHEET

Scale: As Noted  
Date: 10/28/20

architectural  
consultation



1000 North 1st Street, Suite 100  
Breckenridge, CO 80424  
p.o. box 3036 breckenridge, co. 80424 (970) 453-1718



Site Calculations	
Building footprints:	2,435 Sq. Ft.
Driveways:	361 Sq. Ft.
Entry porches and steps:	246 Sq. Ft.
Paver walks:	10 Sq. Ft.
Total non-permeable lot coverage ( 53.2% )	3,052 Sq. Ft.
Lot size:	6,317 Sq. Ft.
Open space ( 46.8% )	2,855 Sq. Ft.
( includes arbor walk )	76 Sq. Ft.
Swan block provided:	160 Sq. Ft.
Required SWD Sq. Ft. X 25%	140 Sq. Ft.

**ADAMS PLACE**  
**LOT 17 - BLOCK 3**  
**EDMUND G. STILES ADDITION**  
**TOWN OF BRECKENRIDGE, COLORADO**

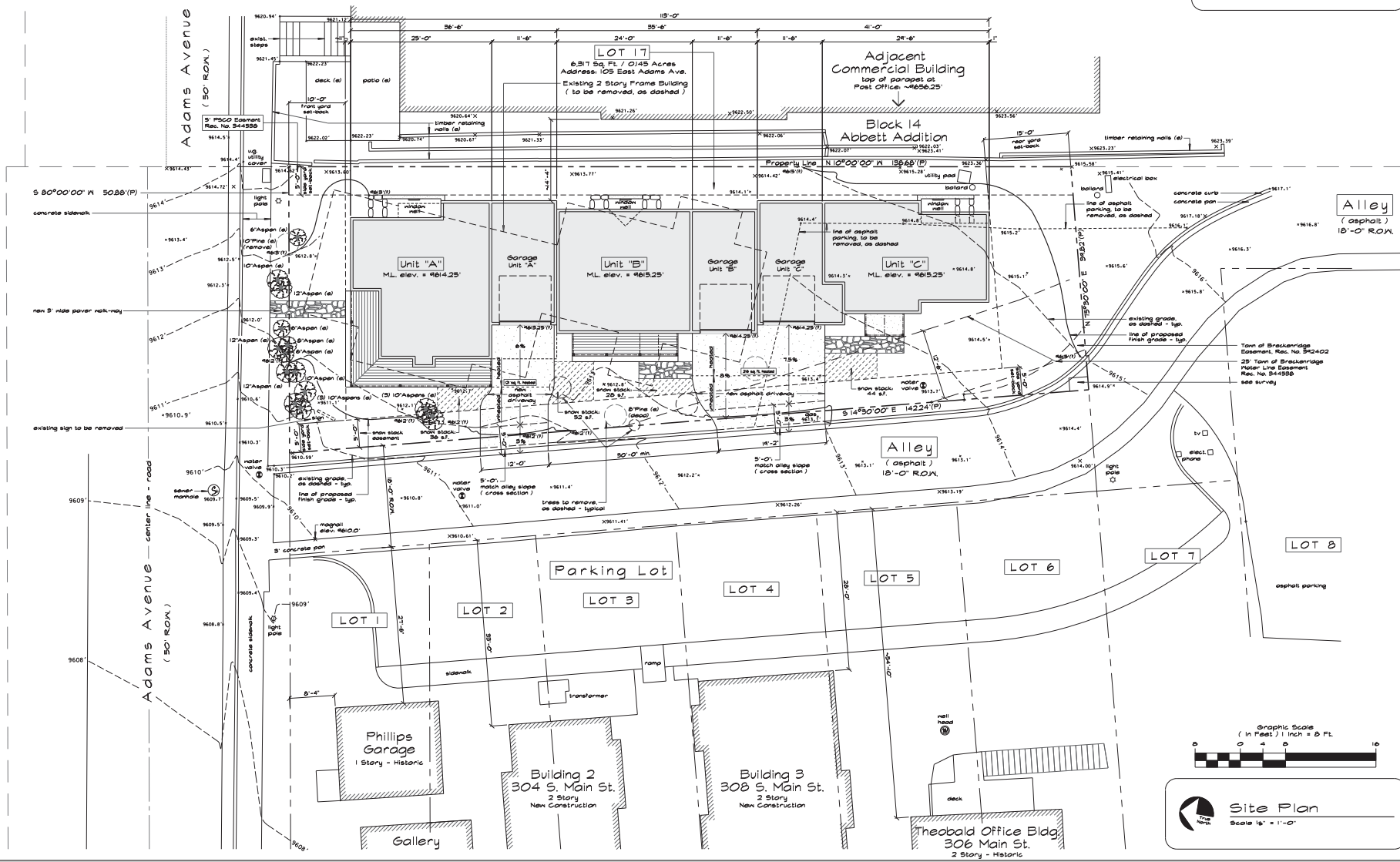
Site Plan  
 Scale: 1/8" = 1'-0"  
 Date: 10-20-2020

architectural  
 consultation

**JILL SUTTERLEY ARCHITECT**  
 ARCHITECTS  
 306 S. MAIN ST., SUITE 200  
 BRECKENRIDGE, CO. 80424  
 P.O. BOX 3816 BRECKENRIDGE, CO. 80424  
 (970) 455-5718



**Site Plan**  
 Scale 1/8" = 1'-0"





## SITE PLAN



- ADJACENT TIERED RETAINING WALLS
- SPRUCE (1)
- PINE (2)
- POLLINATOR GARDEN GATHERING AREA
- COTTONWOOD (1)
- ASPEN (4)

**NOTES:**  
 1. ALL TREES AND SHRUBS SHALL BE DRIP IRRIGATED. ALL PERENNIALS SHALL BE SPRAY IRRIGATED.  
 2. REFER TO ARCHITECTURAL SITE PLAN FOR EXISTING TREE TYPES AND LOCATIONS, SET BACKS, EASEMENTS AND SNOW STORAGE AREAS.

## TREE QUANTITIES

EXISTING TREES TO BE REMOVED: 6    STREET TREES REQUIRED: 14 (BOTH ADAMS AND ALLEY)  
 EXISTING TREES TO REMAIN: 14    STREET TREES PROVIDED (PROPOSED & EXISTING): 22  
 TOTAL SITE TREES: 28 TREES (4 EVERGREEN & 24 DECIDUOUS)

## SITE CALCULATIONS

SNOW STORAGE: 560 SF X .25 = 140 SF  
 - REFER TO ARCHITECTURAL SITE PLAN FOR AREAS  
 OPEN SPACE: 6,317 SF X .30 = 1,895 SF  
 PROVIDED OPENS SPACE: 2,803 SF

## PRELIMINARY PLANT LIST

### DECIDUOUS TREES - 2.5" CAL.

- NARROWLEAF COTTONWOOD
- QUAKING ASPEN

### EVERGREEN TREES - 8' HT.

- BABY BLUE EYES SPRUCE
- BRISTLECONE PINE

### DECIDUOUS SHRUBS - #5 CONT.

- ALPINE CURRANT
- APACHE PLUME
- MOUNTAIN MAHOGANY
- RABBITBRUSH, DWARF
- ROCK SPIREA
- ROCKY MOUNTAIN SUMAC
- TALL WESTERN SAGE

### PERENNIALS - #1 CONT.

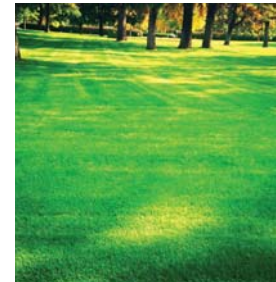
- ALPINE ASTER
- ASPEN DAISY
- BLACK EYED SUSAN
- BLACK KNIGHT DELPHINIUM
- COLUMBINE
- DIANTHUS, FIRST LOVE
- LUPINE, RUSSEL HYBRIDS

- PASQUE FLOWER ANEMONE
- ROCKY MOUNTAIN PENSTEMON
- STELLA D'ORO DAYLILLY
- YARROW

### ORNAMENTAL GRASSES - #1 CONT.

- INDIAN RICE GRASS
- TUFTED HAIR GRASS

## CHARACTER IMAGERY

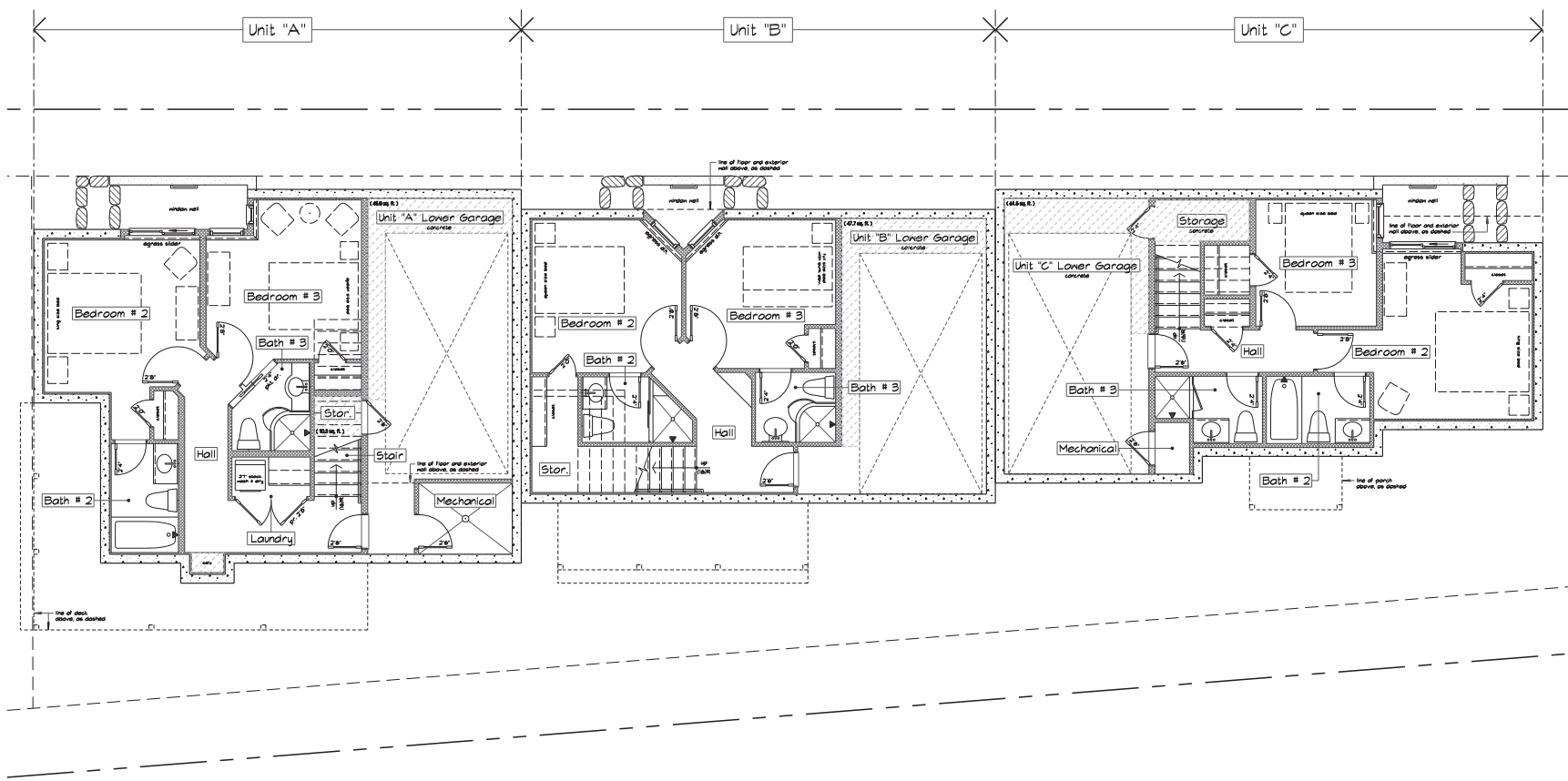


**ADAMS PLACE**  
 LOT 17 - BLOCK 3  
 EDMUND GLOT 17 - BLOCK 3, STILES ADDITION  
 TOWN OF BRECKENRIDGE, COLORADO

Floor Plans  
 Lower Level  
 Scale: 1/4" = 1'-0"  
 Date: 10-20-2020



architectural  
 consultation  
  
**J.L. SUTTERLY ARCHITECT**  
 1000 North 1st Street, Suite 100  
 Breckenridge, CO 80424  
 P.O. Box 9889  
 Breckenridge, CO 80424  
 (970) 455-3728



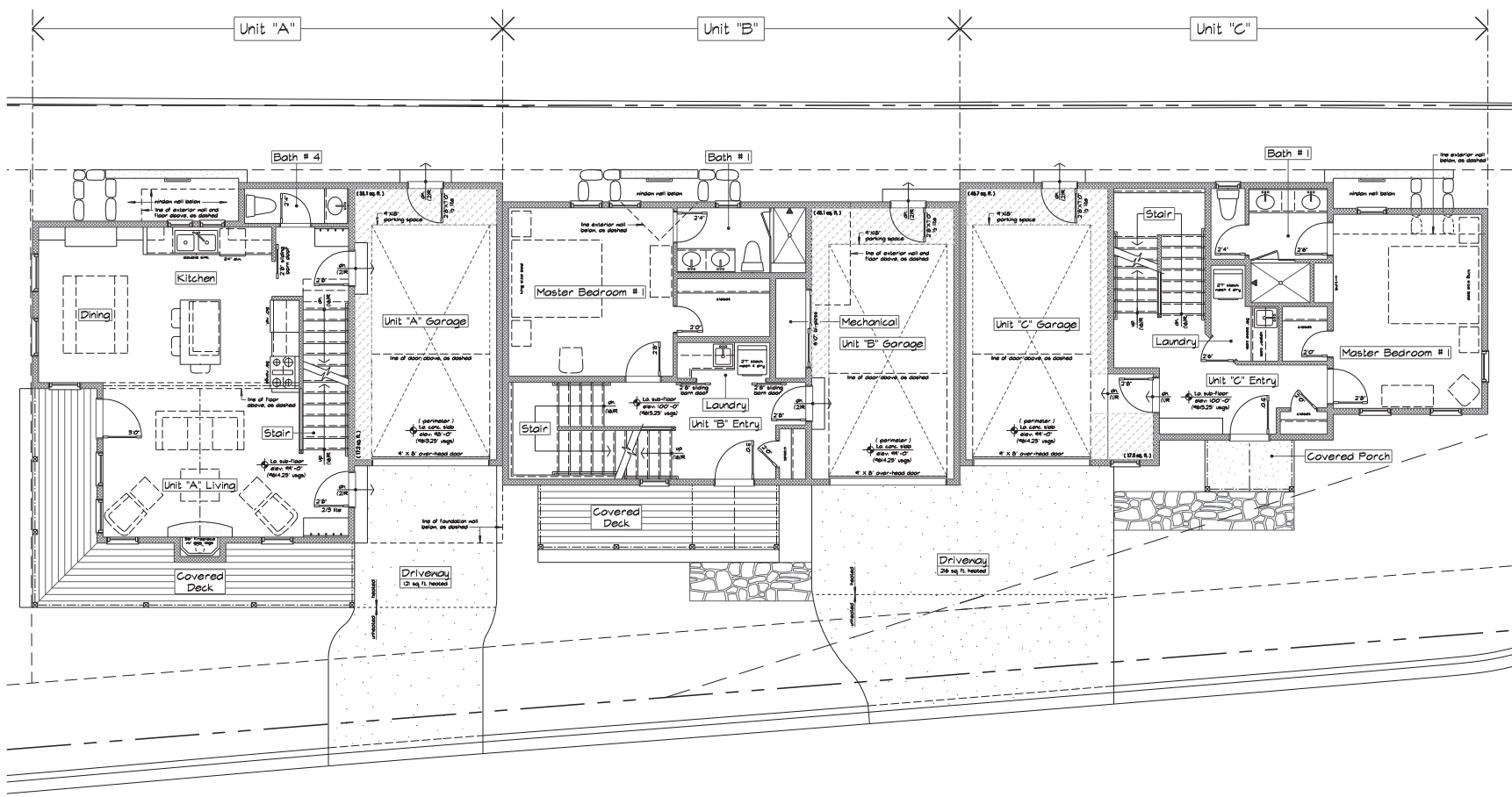
1  
 A-2  
  
**Unit "A"**  
**Lower Level**  
**Floor Plan**  
 Scale: 1/4" = 1'-0"  
 Lower Level Sq. Ft. = 542  
 (density)  
 Note: underground garage is excluded

2  
 A-2  
  
**Unit "B"**  
**Lower Level**  
**Floor Plan**  
 Scale: 1/4" = 1'-0"  
 Lower Level Sq. Ft. = 505  
 (density)  
 Note: underground garage is excluded

3  
 A-2  
  
**Unit "C"**  
**Lower Level**  
**Floor Plan**  
 Scale: 1/4" = 1'-0"  
 Lower Level Sq. Ft. = 510  
 (density)  
 Note: underground garage is excluded







**Unit "A"**  
 Main Level  
 Floor Plan  
 Scale: 1/4" = 1'-0"

Main Level Sq. Ft. Summary	
Main Level Sq. Ft.	= 592
(above ground density)	
Garage Sq. Ft.	= 253
(mass)	

5% Interior Storage Space = 1056 Sq. Ft. Total

**Unit "B"**  
 Main Level  
 Floor Plan  
 Scale: 1/4" = 1'-0"

Main Level Sq. Ft. Summary	
Main Level Sq. Ft.	= 506
(above ground density)	
528 gross - 22 mechanical	
Garage Sq. Ft.	= 253
(mass)	

5% Interior Storage Space = 928 Sq. Ft. Total

**Unit "C"**  
 Main Level  
 Floor Plan  
 Scale: 1/4" = 1'-0"

Main Level Sq. Ft. Summary	
Main Level Sq. Ft.	= 522
(above ground density)	
Garage Sq. Ft.	= 280
(mass)	

5% Interior Storage Space = 1082 Sq. Ft. Total

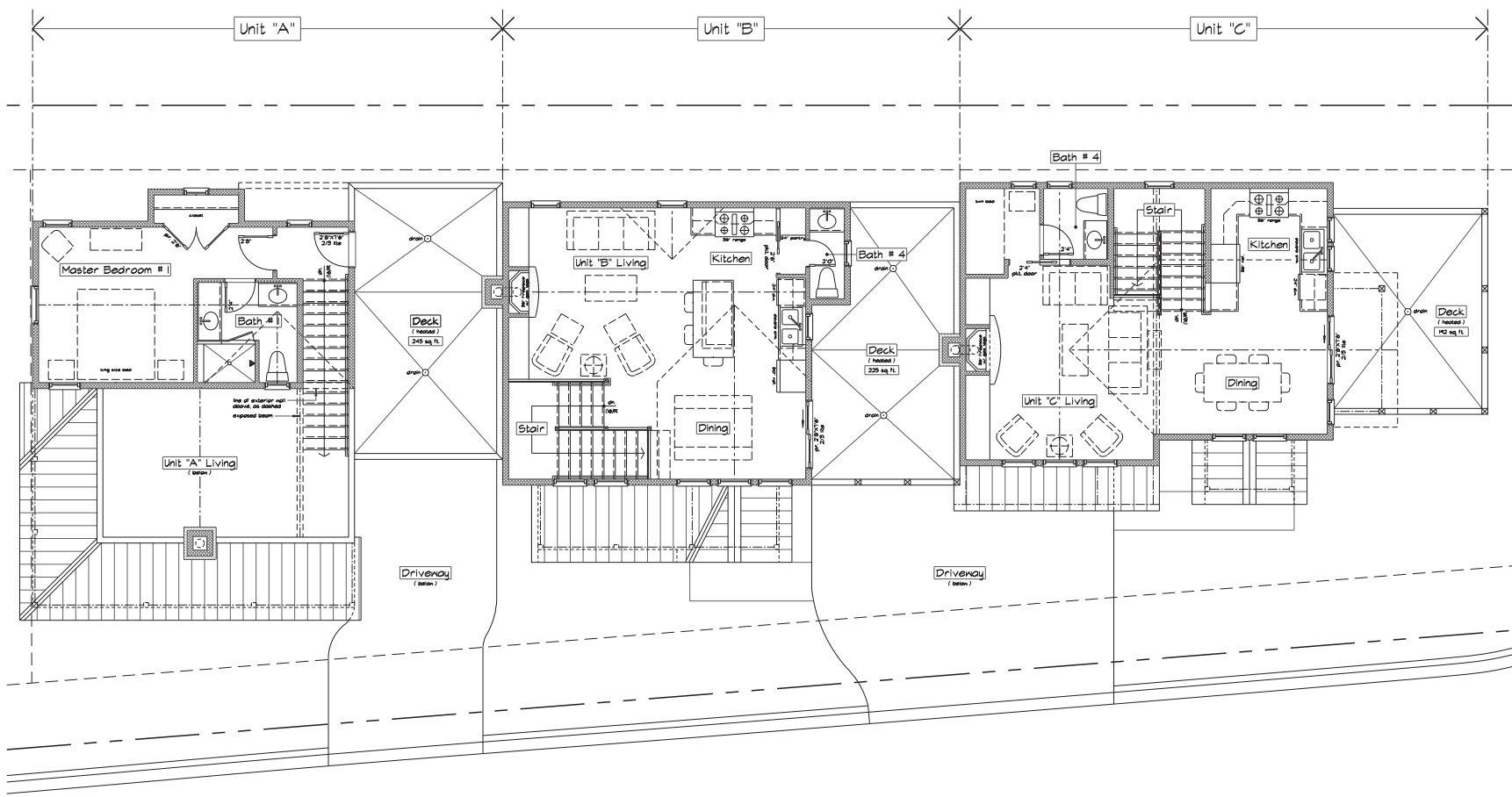


**ADAMS PLACE**  
 LOT 17 - BLOCK 3  
 EDMUND GLOT 17 - BLOCK 3, STILES ADDITION  
 TOWN OF BRECKENRIDGE, COLORADO

Floor Plans  
 Upper Level  
 Scale: 1/4" = 1'-0"  
 Date: 10-20-2020



architectural  
 consultation  
**J.L. SUTTERLY ARCHITECT**  
 1000 North 1st Street, Suite 100  
 Breckenridge, CO 80424  
 p.o. box 9889  
 (970) 455-3729

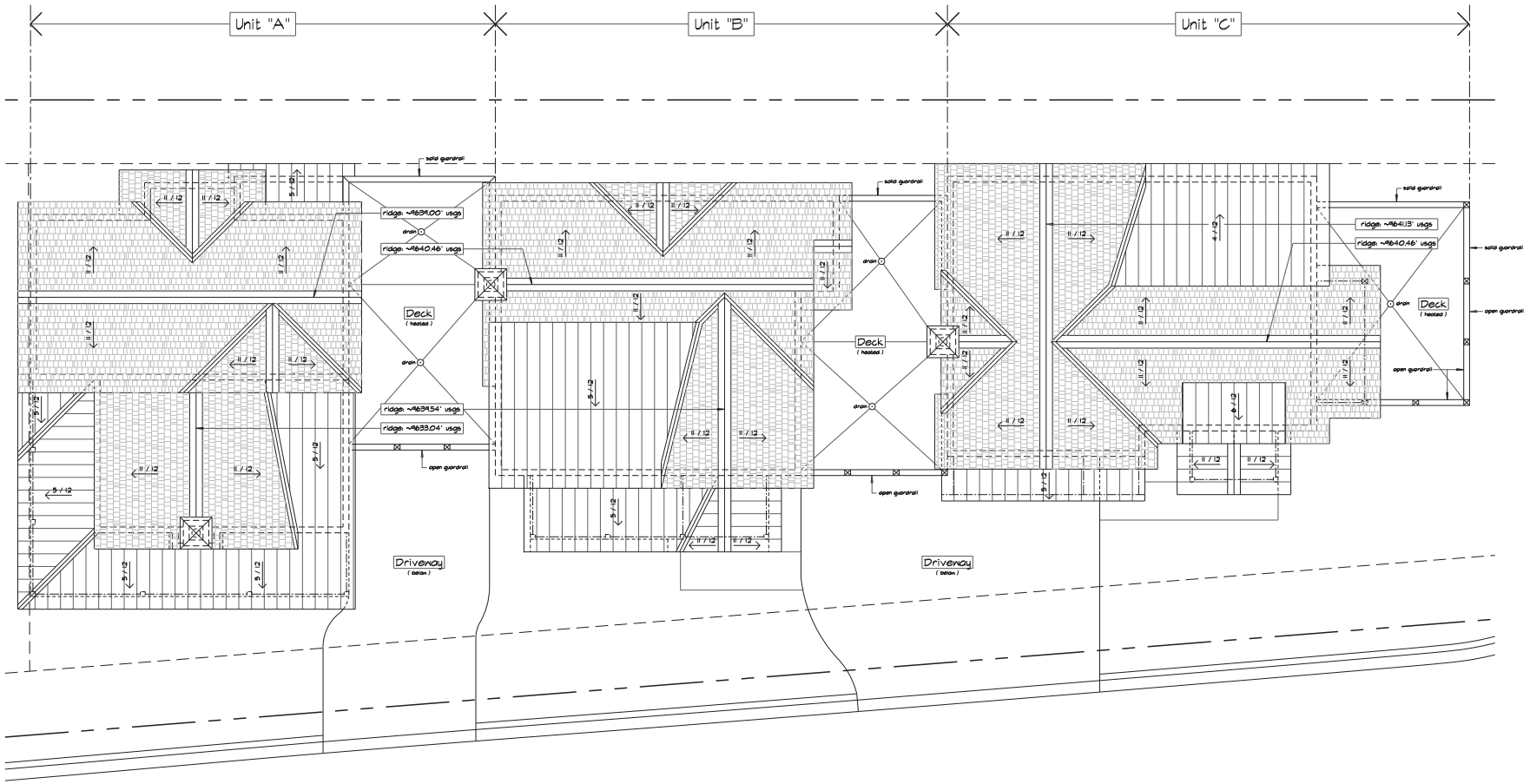


1  
 A-4  
  
**Unit "A"**  
**Upper Level**  
**Floor Plan**  
 Scale: 1/4" = 1'-0"  
 Upper Level Sq. Ft. = 310  
 (above ground density)

2  
 A-4  
  
**Unit "B"**  
**Upper Level**  
**Floor Plan**  
 Scale: 1/4" = 1'-0"  
 Upper Level Sq. Ft. = 475  
 (above ground density)

3  
 A-4  
  
**Unit "C"**  
**Upper Level**  
**Floor Plan**  
 Scale: 1/4" = 1'-0"  
 Upper Level Sq. Ft. = 545  
 (above ground density)





1  
A-5

 **Roof Plan**  
Scale: 1/4" = 1'-0"



**ADAMS PLACE**  
LOT 17 - BLOCK 3  
EDMUND GLOT 17 - BLOCK 3, STILES ADDITION  
TOWN OF BRECKENRIDGE, COLORADO

Roof Plan  
Scale: 1/4" = 1'-0"  
Date: 10-20-2020



architectural  
consultation

 **THE SUTTERLY ARCHITECT**  
1111 S. 10TH ST. SUITE 100  
BRECKENRIDGE, CO 80424  
p.o. box 9889 breckenridge, co 80424 (970) 455-3728



**ADAMS PLACE**  
 LOT 17 - BLOCK 3  
 EDMUND G. STILES ADDITION  
 TOWN OF BRECKENRIDGE, COLORADO

**BUILDING ELEVATIONS**  
 Scale: As Noted  
 Date: 10/28/20

architectural  
 consultation  
**J.L. STUBBLY ARCHITECT**  
 1000 14th Street, Suite 100  
 Breckenridge, CO 80424  
 p.o. box 3036 breckenridge.co 80424 (970) 453-1718

**A-6**

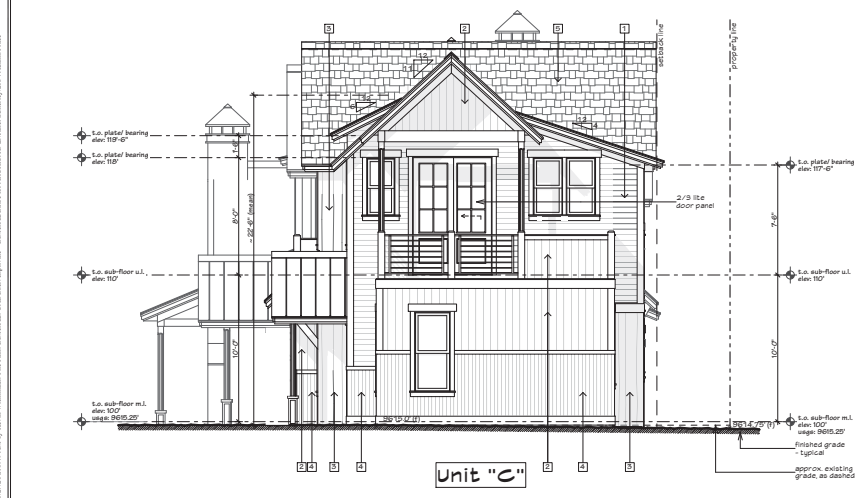


**West Elevation Areas**

Type	Area
West Non-Natural	376
West Gross	1,896
14.8% Non-Natural	

**1 West Elevation**  
 Scale: 1/4" = 1'-0"

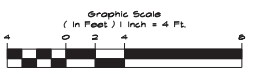
- Key to Elevation Notes**
- 4 1/2" exposure level lap cedar horizontal siding
  - 1/2" reverse board on board S&S vertical siding
  - 1/2" random width (6-9/16" inch) square edge rough sawn - cilled
  - corrugated metal
  - 50 year - heaukglight asphalt composition shingles
  - Low seamed metal roofing and flashing
  - Metal panels



**South Elevation Areas**

Type	Area
South Non-Natural	104
South Gross	458
23.7% Non-Natural	

**3 South Elevation**  
 Scale: 1/4" = 1'-0"



**North Elevation Areas**

Type	Area
North Non-Natural	105
North Gross	481
21.8% Non-Natural	

**2 North Elevation**  
 Scale: 1/4" = 1'-0"

A-6 BUILDING ELEVATIONS: Project 102729 at 49 AM by Kevin Williams, P.E., P.E., BldgArchitect, CAD/Architectural - Breckenridge, CO/Architectural/21/level sheets/10/28/20 Adams Place

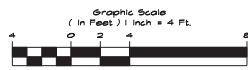


Unit "C"

Unit "B"

Unit "A"

East Elevation Areas	
Type	Area
East Non-Natural	7.14
East Gross	4,026
17.7% Non-Natural	



1  
A-7  
**East Elevation**  
Scale: 1/4" = 1'-0"

- Key to Elevation Notes**
- 1 4 1/2" exposure bevel lap cedar horizontal siding
  - 2 1x6 reverse board on board S2S vertical siding
  - 3 1x random width (6/8/10 inch) square edge rough saun - oiled corrugated metal
  - 4 30 year - heavyweight asphalt composition shingles
  - 5 Low seamed metal roofing and flashing
  - 7 Metal panels

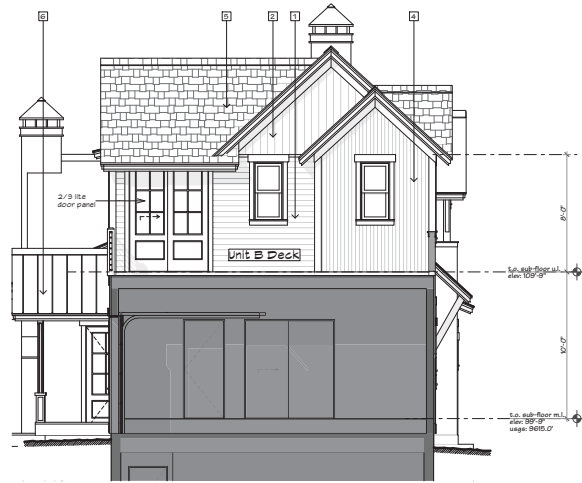
**ADAMS PLACE**  
LOT 17 - BLOCK 3  
EDMUND G. STILES ADDITION  
TOWN OF BRECKENRIDGE, COLORADO

**BUILDING ELEVATIONS**  
Bldg Arch  
Date: 10/28/20



architectural  
consultation  
**J.L. STUBBLY ARCHITECT**  
BRECKENRIDGE, COLORADO  
p.o. box 3636 breckenridge, co. 80424  
(970) 453-1718





Unit "B"

3  
A-B

South Elevation

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

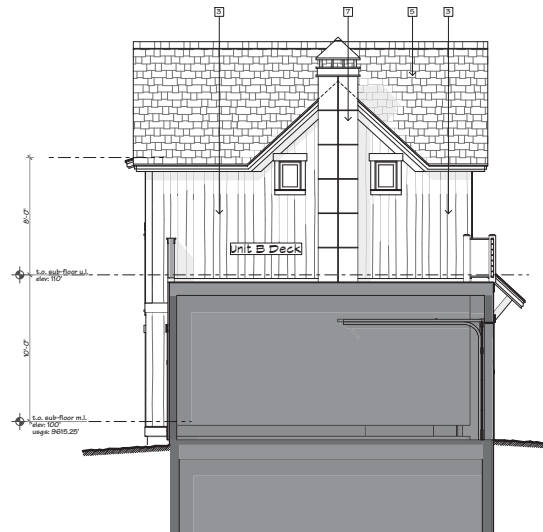


Unit "A"

1  
A-B

South Elevation

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

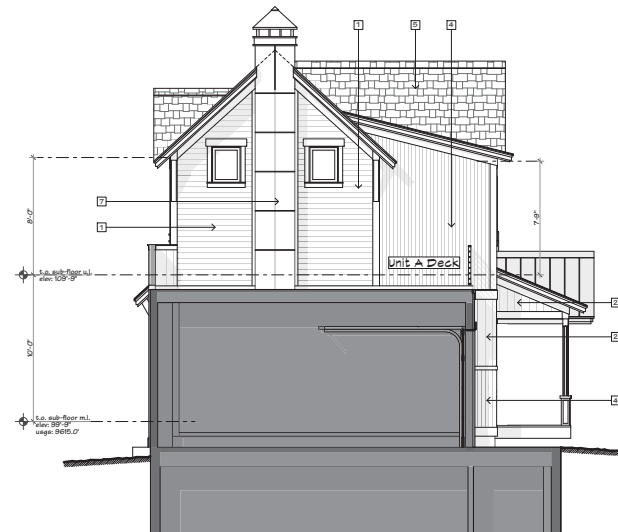


Unit "C"

4  
A-B

North Elevation

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



Unit "B"

2  
A-B

North Elevation

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

ADAMS PLACE

LOT 17 - BLOCK 3  
EDMUND G. STILES ADDITION  
TOWN OF BRECKENRIDGE, COLORADO

BUILDING  
ELEVATIONS

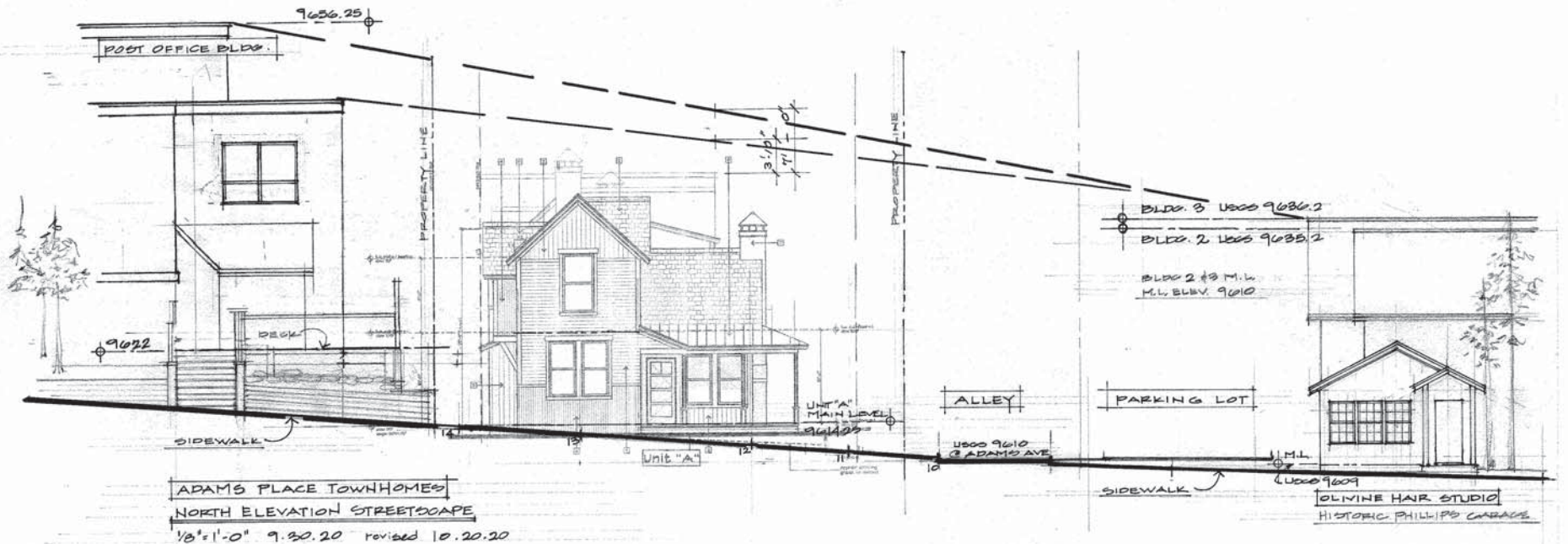
Scale: As Noted  
Date: 10/28/20

architectural  
consultation

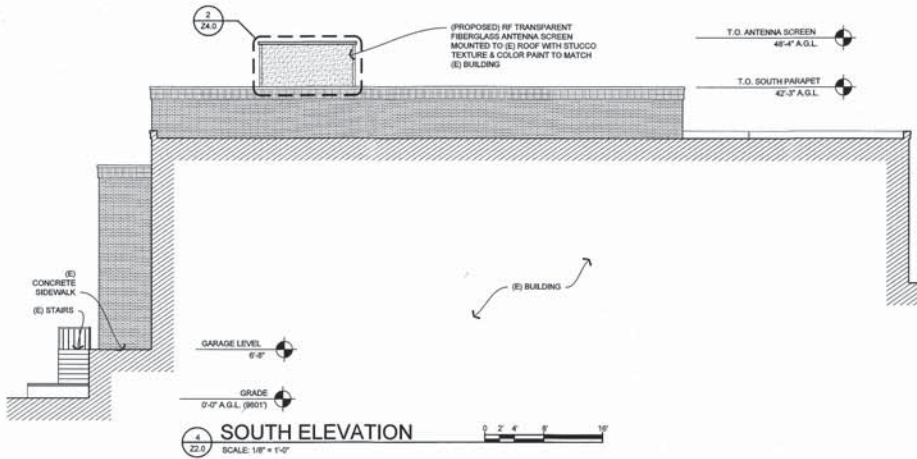
J.L. STUBBLY ARCHITECT  
BRECKENRIDGE, COLORADO  
p.o. box 3036 breckenridge, co. 80424  
(970) 453-1718

A-B

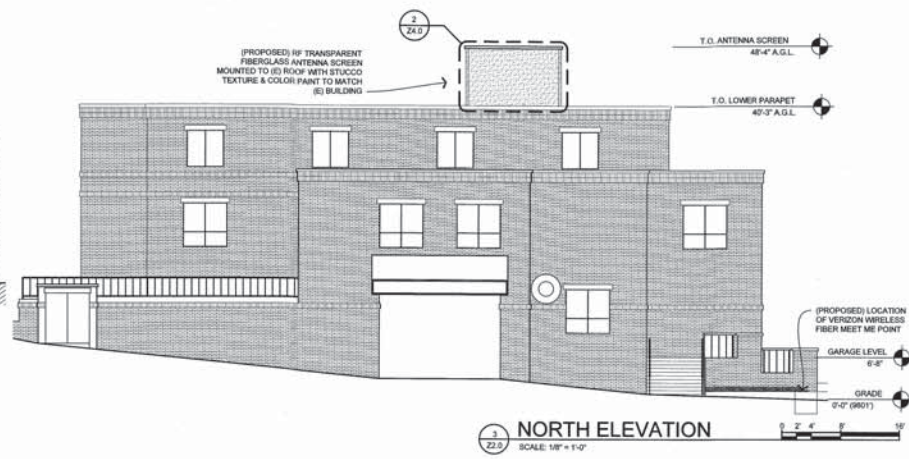




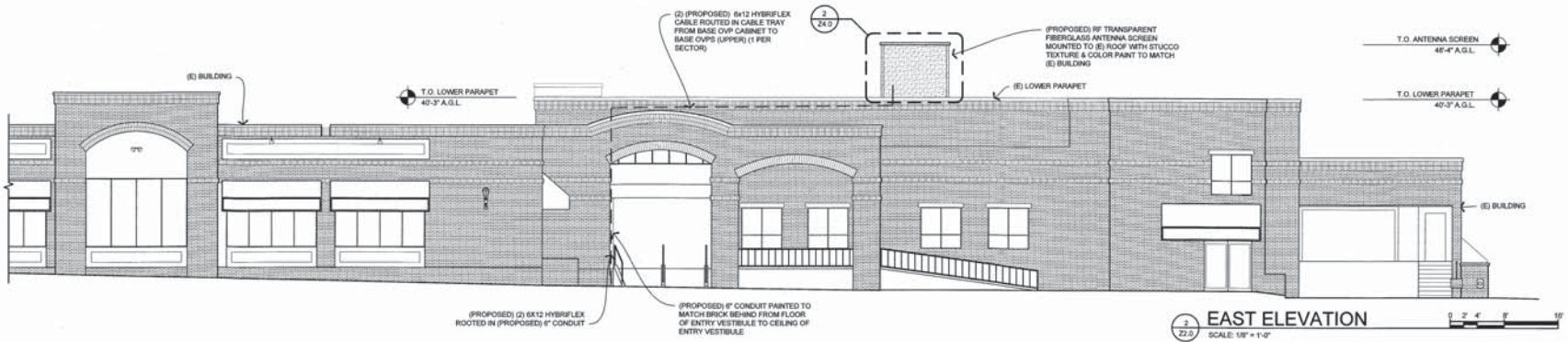




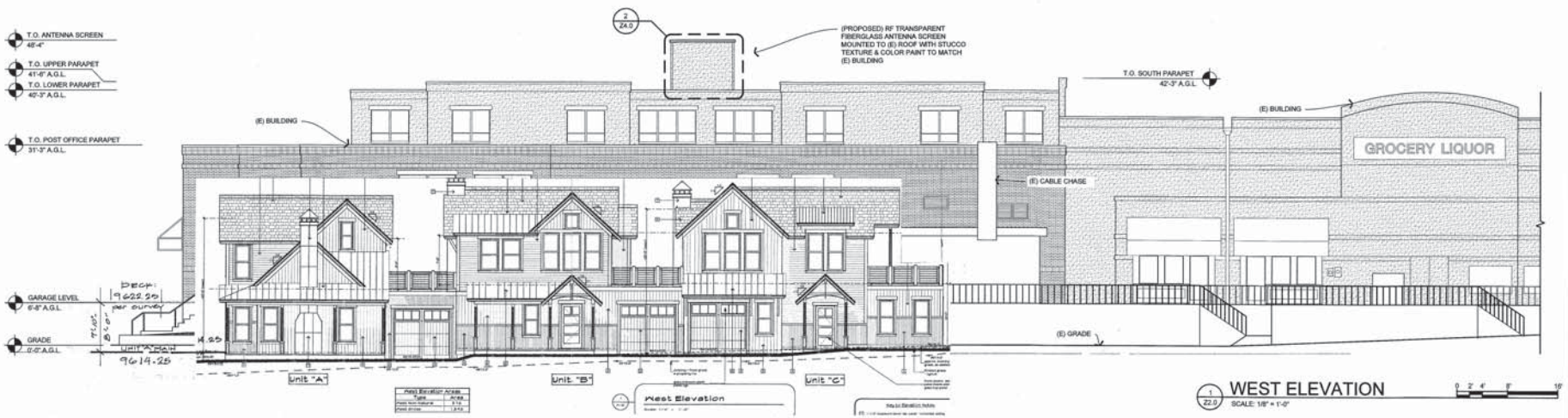
**4 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**3 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**2 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**1 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

STAMP

**PRELIMINARY**  
FOR REVIEW ONLY

**T-REX ARCHITEX**  
144 Madison Street  
Denver, CO 80202  
303.388.2918

DRAWINGS

PROJECT FOR

**verizon**  
3131 S. VAUGHN WAY, SUITE 550  
AURORA, CO 80014

DATE ISSUED  
**OCTOBER 25, 2017**

DATE	ISSUED AS
---	ZD APPROVAL
---	PRELIMINARY CD SET
---	FINAL CD SET
---	PERMIT SUBMITTED

DATE	REVISIONS
10-25-17	100% ZD's SET
---	---
---	---
---	---
---	---

PROJECT NAME  
**CO3-BRECKENRIDGE DT**

CELL SITE  
**ZD'S - ALT. #1**  
305 S. RIDGE STREET,  
BRECKENRIDGE, CO 80424

COUNTY OF SUMMIT  
STATE OF COLORADO

**Z2.0**  
SITE ELEVATIONS




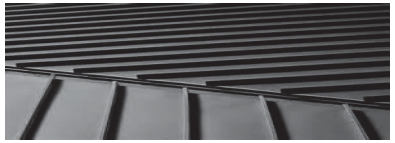







J.L. SUTTERLEY ARCHITECT

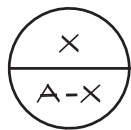
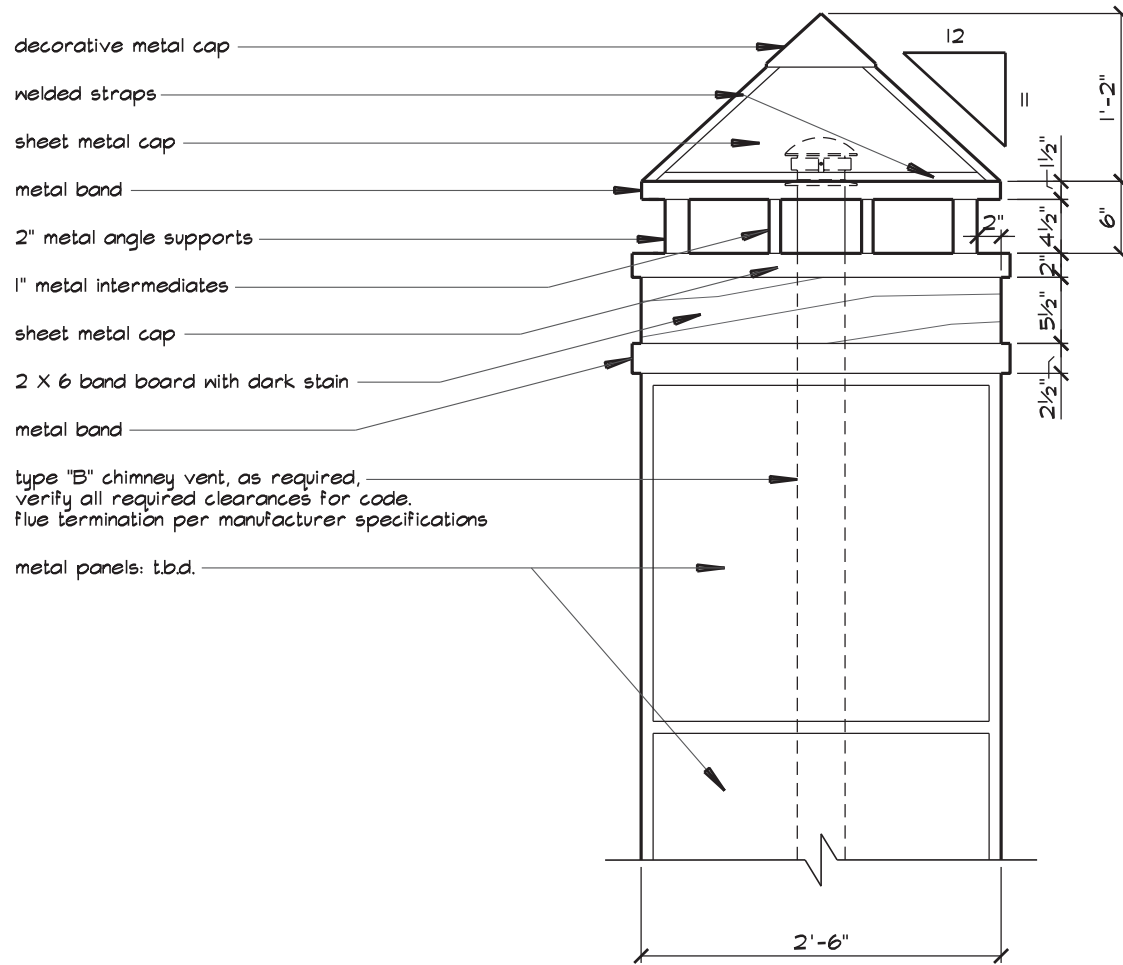
## Adams Place

105 East Adams Avenue  
Breckenridge, CO. 80424

### MATERIAL / COLOR BOARD

10-27-2020

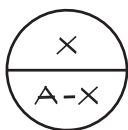
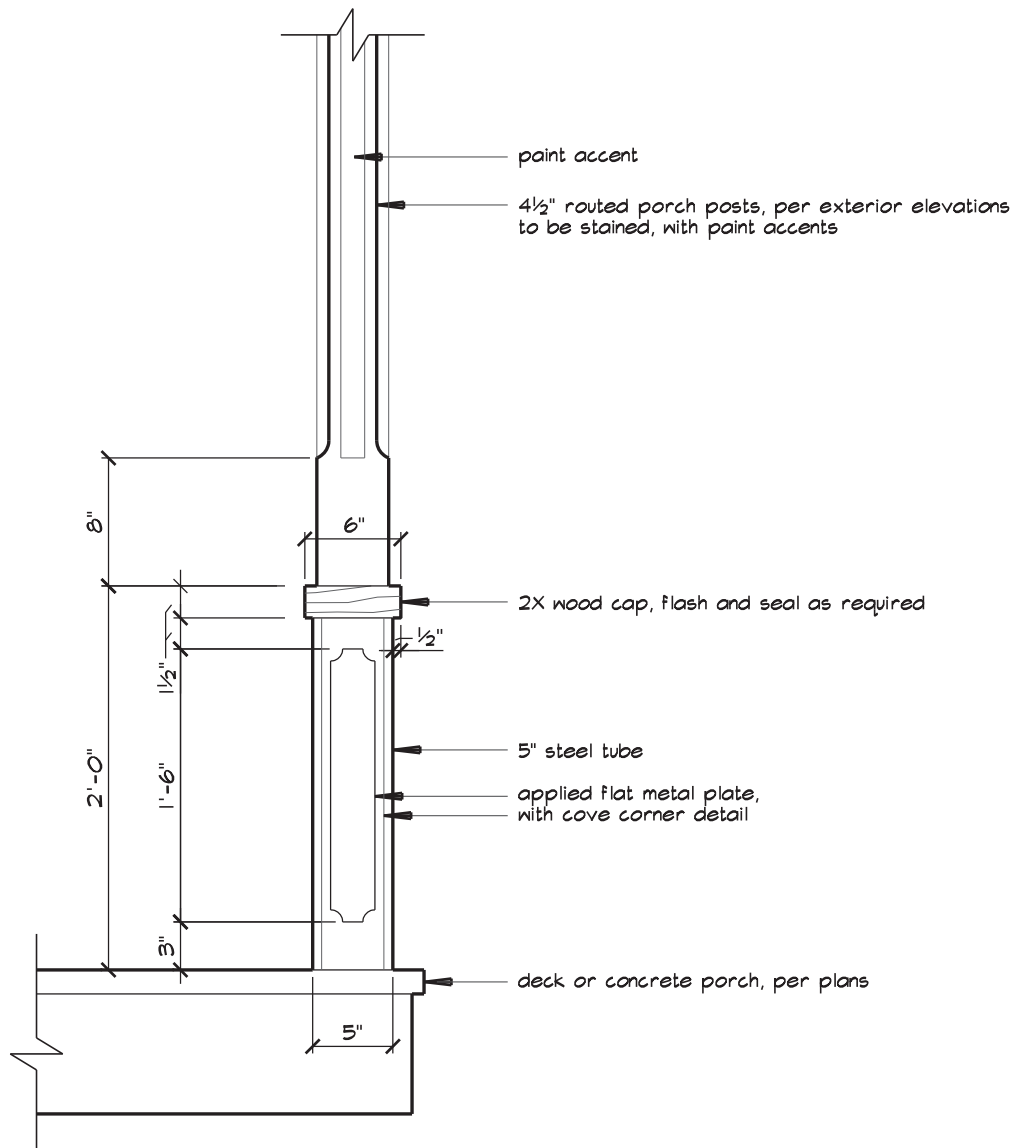
Location / Item:	Manufacturer Description:	Color:
1. Asphalt composition roof: (Primary)	Timberline Ultra HD "Charcoal" <a href="http://www.gaf.com">www.gaf.com</a>	
2. Low seamed metal roof: (Secondary)	"Dark Bronze"	
3. Siding material #1 Bevel lap horizontal siding	"Modest White" SW 6084 <a href="http://www.sherwin-williams.com">www.sherwin-williams.com</a>	
4. Siding material #2 6" reverse board on board S2S vertical siding	"Nuthatch" SW 6088	
5. Siding material #3 1 x random width ( 6/8/10 inch) square edge rough sawn	"Old oil finish"	
6. Siding material #4 Corrugated metal (rusted)	7/8" with rusted finish	
7. Upper fascia & selected trim (Semi transparent stain)	"Indigo" SW 6531	
8. Window clad color:	"Dark Bronze"	
9. Metal Panels:	Rusted finish	



## Chimney cap elevation

Scale: 3/4" = 1'-0"

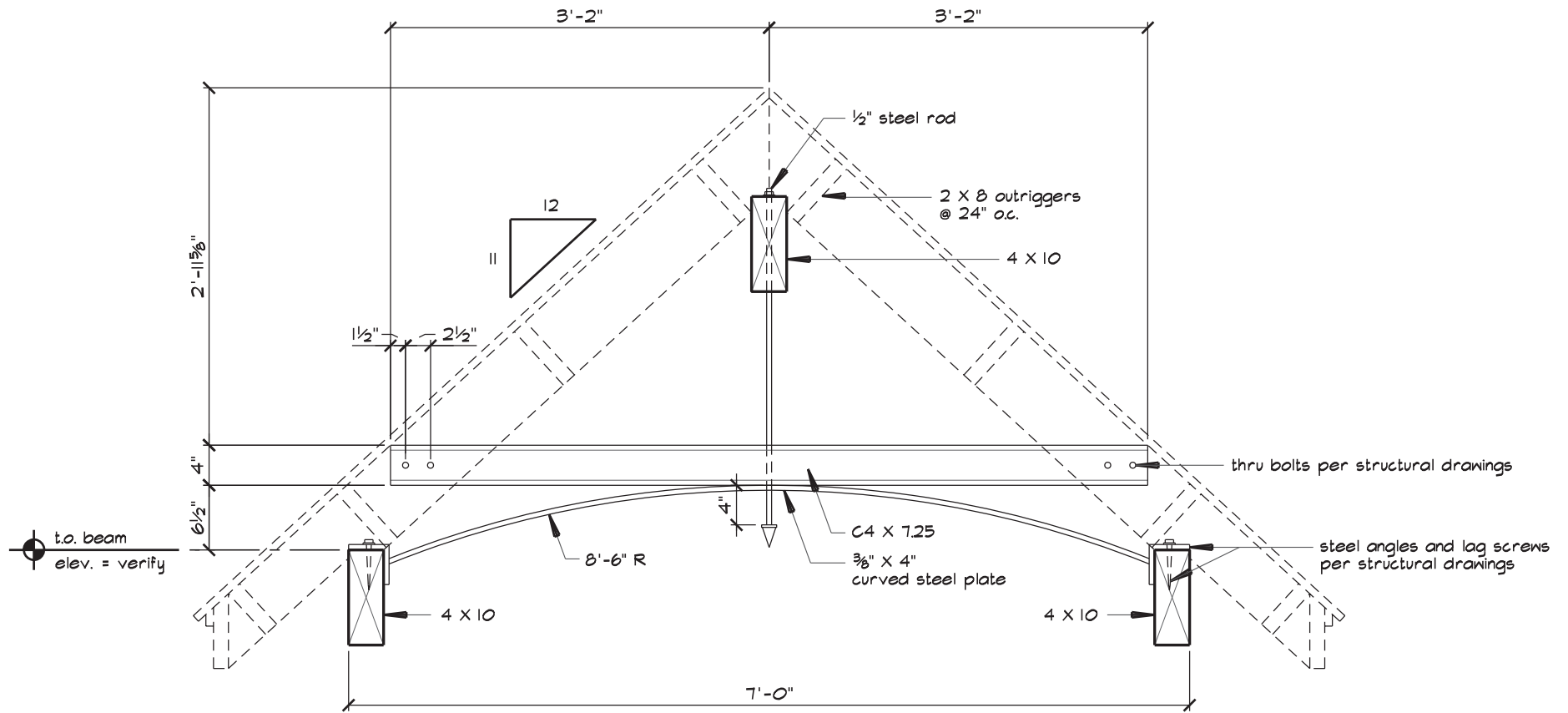
Adams Place: 2020



Column base detail

Scale: 1" = 1'-0"

Adams Place: 2020



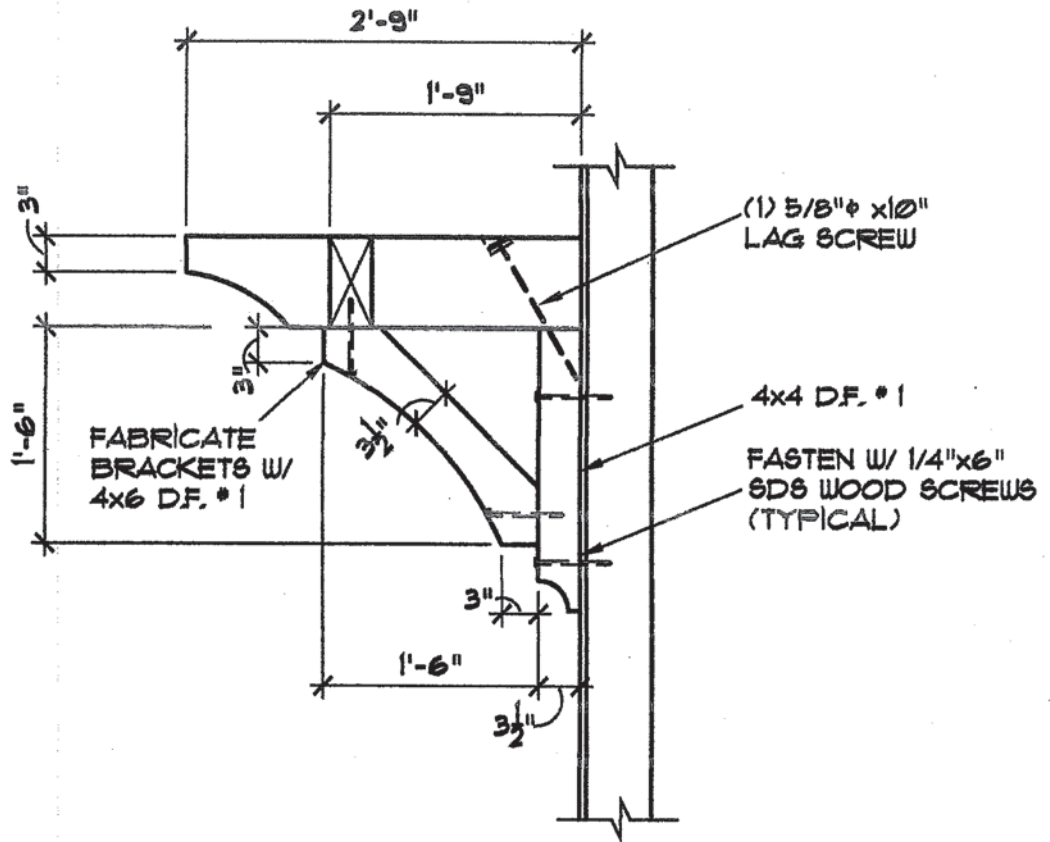
x Entry Truss Detail  
 A-X Scale: 3/4" = 1'-0"

Adams Place: 2020



RECEIVED  
OCT 01 2020

TOWN OF BRECKENRIDGE  
PLANNING DEPT.



8  
S7

FRAMING DETAIL

3/4" = 1'-0"

UNIT "C"  
GARAGE





WEST ELEV.



Adams Place Townhomes  
2<sup>nd</sup> preliminary submittal  
9.28.20

10.26.20 revisions

List of changes since first preliminary:

List of changes to 2<sup>nd</sup> submittal per staff comments (in yellow)

A1 Site Plan:

1. more spot elevations to the east (additional survey info requested)
2. survey of parking, buildings and topography to the west of the alley (additional survey info requested)
3. revisions to driveway areas per staff requests
4. entire building moved south to rear setback line: north roof overhang goes over 10' setback by 1-1/2"
5. sidewalk to Unit A from Adams street

A2 lower level: no revisions

A3 main level: no revisions

1. added snow melt driveway aprons w/ sq ftg per unit, to use up to 1000 sq ft allowed with the -2 pts (also on site plan)

A4 upper level:

1. Unit B loses one window on the west side
2. Unit C loses angled window in gable on west side and one window on the south elevation
3. Upper level decks are shown as heated, with roof drains indicated: added sq ftg per unit

A7 roof plan: deck information per A4

Elevations:

1. primary siding changed to 4-1/2" bevel lap, minor simplifications on other materials. See color/ material board
2. Unit B UL window eliminated (west elevation)- (less glazing)
3. Unit C angled window eliminated (west elevation)- Steve
4. Unit C window eliminated on south elevation - Christie
5. Unit A north elevation ML windows reduced from 3 to 2 but slightly wider- (Mike)

General elevations:

Material calcs shown on the elevations (percentage of metal areas)

East elevation: garage windows changed to half lite doors to access rear area.

Unit C deck area (wall below): corrugated lowered to meet the 25% rule, all 3 elevations

All exterior glass doors have been changed to 2/3 lite with divided lites (these exact doors were approved on the Collins res- and all projects)

A8: 4 building sections added to show exterior elevations at the decks

Unit A west: upper gable windows reduced to one double hung

Unit B west: windows reduced from 3 to 2

Unit A north: upper window smaller, main level reduced from 3 to 2

North elevation streetscape provided

Details provided for entry columns and gable trusses

Color/ Material board provided

Color/ Material revised: metal panels changed to rusted finish (to eliminate 4<sup>th</sup> color)

Photos of all surrounding site conditions provided



### Town Council Highlights

#### **Planning Matters**

- **Ullr and Sol Solar Gardens Update:** TOB was informed in July of 2020 that our partner in the solar garden CEC is filing for bankruptcy. The proximate cause is the economic downturn associated with COVID-19 affecting CEC's other investments. The effect on the Town is that CEC will no longer own or operate the projects. This development meant that, for the projects to keep running, we would need to find new operators and owners for the gardens. The solar gardens have been very successful over their operational life so far. This development is not ideal, but TOB can keep the projects running with no interruptions to the subscribers (including the Town). TOB is working with CSP to come up with a long term operational plan. The projects do recoup revenue for maintenance and operations through diversion of 1% of the REC revenue. Devising a plan to keep the projects running in a manner that is revenue neutral to the Town is the goal.
  - **Stan Miller/Braddock Annexation Agreement:**
    - **Background/Approved Plan:** The plan that is currently approved allows for the development of 155 SFEs (100 deed-restricted SFEs and 55 market SFEs). The plan also
-

allows for up to 20 SFEs of limited commercial, which would count against the 55 SFEs of market density. Pursuant to the Agreement, the Town agreed to provide the density and waive PIFs for the 100 restricted SFEs and Miller would need to acquire 9 TDRs in order to fully build out the 155 SFEs. For the Deed Restricted units, the Agreement also established AMI targets (range of 100%-180% with average of 115%), minimum unit sizes (600-1200sf), and release rate/phasing. Under the approved plan the Deed Restricted units are dispersed across the entire site as follows: Braddock-14.15 acres (22 Deed Restricted/24 Market Rate) Miller-20.17 acres (83 Deed Restricted/33 Market Rate)

○ **Proposal:** The most significant changes to the approved plan include: 1) The market rate density is increased by 9 for 66 total market SFEs and the deed-restricted density is increased by 16 for 116 total deed-restricted SFEs (total increase 25 SFEs) 2) To address the significant need for rental units (as identified in the recent Needs Assessment) all 116 deed-restricted SFEs have been converted from 'for sale' housing to rentals, which increases the inventory of apartments in the Upper Blue substantially. 3) The 116 SFEs of restricted apartments are concentrated on about 9 acres which may necessitate 3 story buildings in a 2 story land use district. The balance of the property (approximately 25 acres is allocated to the 66 market-rate SFEs). 4) The AMI targets for the restricted units have been lowered from an average of 115% AMI to 95% AMI- **it should be noted that 95% AMI rent is \$1,710m-\$2,369m for 1 to 3 bedroom units** 5) Up to 100 SFEs of owner-occupied (for-sale) units that targeted an average of 115% AMI (\$333,000- \$487,850) have been eliminated. 6) A park has been added on the river to improve river access for the public and for residents 7) A new alignment for the regional recreation path has been included to provide an important connection 8) Some commercial (and a childcare site) will be integrated with the apartment area.

○ **Social Equity Commentary from Housing Staff:** "Within the last month staff has been attending Social Equity training through the American Planning Association. The focus is on incorporating social equity in planning and land use to ensure equal access to public

amenities/public resources and to facilitate integrated neighborhoods-discouraging segregation and exclusion where possible. We are still learning about the concept and how best to incorporate principles into our programs and our projects. But, unfortunately, when we reviewed the proposed changes to the Miller plan with the social equity "lens", staff felt the elimination of the mixed neighborhoods and variety of housing types, in favor of all apartments, and the concentration of the apartments on a relatively small portion of the overall site could be a change in the wrong direction. At this time it is staff's understanding that the applicant will be presenting their initial plan at the work session, as they do not feel they can make any changes beyond what they have already done. We regret the timing of our comments but feel there is a great opportunity to make changes so this development can best serve the needs of our community."

○ **Discussion: Council does not approve of the current proposal.** Council felt that the project was inequitable and did not give appropriate access to the whole development and had reservations about the pricing and lack of short-term rental restrictions.

▪ "It appears that most of the public benefits benefit the market-rate units more than the deed-restricted ones," Dennis Kuhn.

▪ "The lack of short term rental restrictions on the 21 inner units is very troubling to me, and it's really about the impacts on the community. I don't see any of these market units doing long term rentals," Dick Carleton, "the AMIs are not something I can support. 95% AMI is not apples to apples, and it doesn't help our housing issue... As we get closer to build out, it's incumbent upon us as the council to address these impacts in a bigger way."

▪ "The AMI does not fit our needs. It feels like we are facilitating a lot of STRs," Erin Gigliello. "Most importantly for me is the social equity piece. This is a step backward from where we were before, and I wasn't ok with it before. We want more for our community. We don't just want something livable but somewhere

where people can thrive. The workforce housing is segregated into this corner and they don't have access to the same amenities and this is a huge issue to me."

- "I appreciate the childcare offer and the reduced number of units but I do have to agree with Erin. The configuration of the units was better before. I think the Wellington Neighborhood does a great job of creating a sense of community by mixing the market rate and deed-restricted units," Kelly Owens.

- "Looking in our packet, we had the currently approved plan, which I am more supportive of rather than this proposed plan which creates a more mixed neighborhood," Carol Saade. "I appreciate the parks that have been included, but as it stands I am not supportive."

- "What concerns me is more and more sprawl to the north of Town," Jeffrey Bergeron. "I think we can come to some agreement but this needs work."

- "In the end, this is setting up a lot of conflict between neighbors which gets to this equity issue. I can't imagine that the single-family lots will enjoy people walking in the open space behind their properties," Mayor Eric Mamula. "Maybe take a step back and think about what this neighborhood should look like and then figure out what SFEs you need. I don't think this is better than the original design."

- **Amenity Club Discussion:** In recent months there has been concern from the Town Council and Planning Commission regarding fee-based day usage of amenity areas intended for overnight guests of larger resort properties in Town. Concerns about this day usage include commercial activity in areas that were not counted as commercial density, impacts on parking, employee housing, traffic capacity, and external circulation. To best address this issue, Town staff worked with a Task Force made up of two Planning Commissioners (Steve Gerard and Lowell Moore) and two local resort developers (Graham Frank and Jack Wolff) to gain consensus on issues that are recommended to be regulated.

- **Consensus points:** The sale of access to amenity space constitutes a commercial transaction and therefore the interior space should count as commercial density and not be
-

eligible for any positive points under Policy 24/R. Amenity space available to individuals that own a deeded interest in a development's property (such as a timeshare), should not be treated as an amenity club use, even if they are not overnight guests. Amenity clubs should be reviewed through the development review process. A traffic impact analysis should be required as part of a complete submittal for any new development or change of use of existing space featuring an amenity club. Parking requirements, plant investment fees, and employee housing mitigation for amenity club use need to be established.

- **Discussion:** Council felt like there needs to be something in the ordinance that would include fractional ownership, as the council feels like the impacts are the same as full ownership. There are concerns about self-regulation and the enforcement of regulation. Council will continue the discussion but will place a moratorium in the meantime.

- **Alta Verde Housing Town Project:** The Alta Verde Workforce Housing Project is being reviewed as a Town Project. All public noticing requirements for the approval of a Town Project have been fulfilled as required under the adopted Town Projects Ordinance amendment (by Council Bill No. 1, Series 2013). The application is for the construction of three deed-restricted workforce housing apartment buildings with 36 one-bedroom, 36 two-bedroom, and 8 three-bedroom apartments totaling 64,739 sq. ft. The buildings are sited on 4.9 acres. The entirety of the project will be deed-restricted workforce housing. The project will provide 122 parking spaces; 39 within individual garages, and 83 located on exterior surface parking spaces. Included in the proposal is the construction of a section of the Blue River Recreation Path.

- Council approved the Alta Verde Workforce Housing Project, PL-2020-0235, located at 13250 Colorado State Highway 9, with a passing point analysis of positive two (+2) points, along with the attached Findings and Conditions.

- **Planning Commission Appointments:** A sub-committee consisting of one Planning Commissioner, Michael Giller, as well as two staff, Mark Truckey and Julia Puester, interviewed the non-incumbent applicants for the vacancies on the Planning Commission for three seats. One seat

---



was vacated by Jim Lamb in September 2020. The other two seats are those of Stephen Gerard (current Chair) and Jay Beckerman (recently elected in June 2020 to fill Dan Schroeder's vacated seat). The appointments are for four years, expiring in November 2024. The subcommittee recommended reappointing Stephen Gerard and Jay Beckerman. The subcommittee further recommended that the Town Council appoint Tanya Delahoz to fill the seat vacated by Jim Lamb. Mrs. Delahoz has been in the community for twenty years and owns a local real estate and long term leasing company. **Council approved.**

#### Other

- **Illinois Gulch EPA:** The Illinois Gulch Site is an area of historic mining activity along Boreas Pass Road in Breckenridge, Colorado. Water from historic adits and natural seeps drain through several large mine waste piles at the Site. This contaminated water, characterized by elevated levels of heavy metals and low-pH, works its way down the watershed to Illinois Gulch, the Blue River, and ultimately Dillon Reservoir. The Site is located in a residential area and several properties along Brooks Hill Drive are immediately adjacent to the historic mine features. EPA has not determined whether or not these properties have been impacted by mine waste but investigations will be performed in Summer 2021. EPA recently issued an Order to the owner of the historic mine features, TransAmerica, to perform the following tasks: **a) reduce the flow of water from the adits by preventing water from entering a nearby mine shaft; b) control the flow of water through the wetland and move it away from the waste piles; c) install a passive remediation system to improve water quality; d) consolidate and cap the waste piles; and e) sample nearby residential properties and remediate them as necessary.** Most of TransAmerica's work will be performed next summer and fall. However, in early November 2020, TransAmerica crews are planning to drain a spring-fed pond that sits next to the largest waste pile in an effort to dry out the pile and make it easier to consolidate and shape next summer
  - **BOSAC Appointment:** On September 1st of this year, Carol Saade was appointed to Town Council, leaving her BOSAC seat vacant. This seat will need to be filled for the remaining two and a
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half (2.5) years of her term. Ads seeking applicants recently ran in the local newspaper, Town website, and social media. Fifteen letters of interest were received from the following individuals, only thirteen of whom are eligible because they are Town residents and electors. A nominating subcommittee of BOSAC and staff, including Matt Powers, Erin Gigliello, Council Liaison, and Anne Murphy, staff, interviewed all thirteen eligible applicants and recommended that Council appoint David Rossi to fill the remainder of Carol Saade's term. **Council approved.**

#### **Legislative Review**

- **Amendment to Town Ethics Ordinance Regarding Town Contracts:** The Town's Ethics Ordinance contains a provision dealing with when it is proper for a Town Officer or Town employee to enter into a contract with the Town. Members of the Town Council fall into the classification of Town Officers. Staff is recommending an amendment to the Ethics Ordinance regarding Town contracts. The attached revision provides additional mechanisms to allow an employee or officer of the Town to enter into a contract with the Town. These additions include a lottery whereby a contract will be awarded by chance, a contract for \$5,000 or less, and a development agreement. **(Passed 6-0. Dick Carleton was recused)**
  - **Marijuana Housekeeping Ordinance (First Reading):** The ordinance is necessary because the Colorado legislature recently combined that state Medical Marijuana Code and the state Retail Marijuana Code into one new statute. As a result, all of the citations to the state codes in the Town's current Marijuana Licensing Ordinance need to be updated. Additionally, the Liquor and Marijuana Enforcement Division of the Colorado Department of Revenue continues to revise and update its administrative regulations pertaining to both medical marijuana and retail marijuana. Several of the proposed revisions in the enclosed ordinance are necessary as a result of the updated state administrative regulations. **(Passed 7-0).**
  - **Disposable Bag Fee Ordinance (First Reading):** The definition of Disposable Bag is amended to address the types of bags eligible to incur the \$.10 disposable bag fee. Before September 1, 2021, this applies to both plastic and paper bags (no change from existing ordinance). After September 1, 2021, the definition will change to only include paper bags made from a minimum of 40 percent recycled content. Farmer's Markets have been included in this ordinance in order to
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discourage the use of disposable bags across all retail venues. This new section goes into effect after September 1, 2021. It establishes unlawful acts pertaining to the distribution of plastic bags and paper bags that do not contain a minimum of 40 percent recycled content. **This ordinance bans plastic bags in the Town of Breckenridge beginning September 1, 2021. (Passed 7-0).**

- **Tobacco Business License Fee (Resolution):** Last year, Council approved an ordinance creating a local Tobacco Business License for Town of Breckenridge businesses selling tobacco products. This ordinance set the new license fee at \$600 and specified the renewal rate to be determined during the annual budget process. As the 2020 budget is completed and the 2021 budget process is already underway, we felt it best to set the renewal rate for this year by resolution. The proposed annual tobacco business license renewal fee is the same as the new license fee of \$600. The fee covers Town costs associated with administering the license, as well as enforcement of license requirements. In future years this renewal fee will be set as part of the regular budget process as stated by ordinance. **(Passed 7-0).**
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