

Town of Breckenridge
Planning Commission Agenda

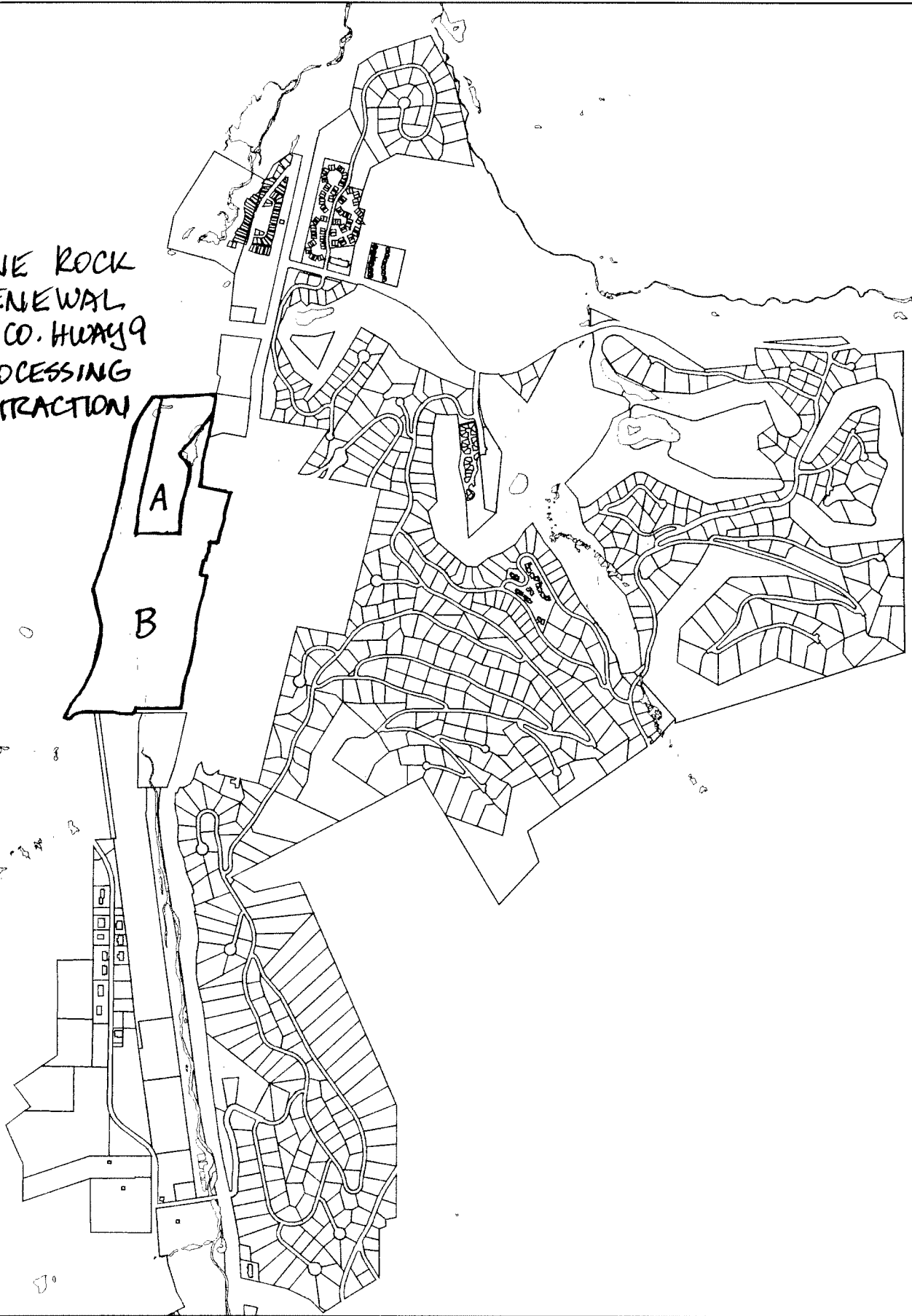
Tuesday, September 1, 2009
Breckenridge Council Chambers
150 Ski Hill Road

12:00pm	Site Visit to Alpine Rock and for the Neighborhood Preservation Policy; please meet at Town Hall	
7:00	Call to Order of the September 1, 2009 Planning Commission Meeting; 7:00 p.m. Roll Call	
	Approval of Minutes August 18, 2009 Regular Meeting	4
	Approval of Agenda	
7:05	Consent Calendar	
	1. Schaetzel Residence (CK) PC#2009038	17
	597 Broken Lance Drive	
	2. Baker Fence (MM) PC#2009040	21
	52 Carter Drive	
	3. Gibbs Residence (MGT) PC#2009041	30
	100 Royal Tiger	
7:15	Preliminary Hearings	
	1. Carter Ridge Residence (MGT) PC#2008076	41
	114 North Ridge Street	
	2. Dabl House Shed (MM) PC#2009036	54
	108 North French Street	
8:45	Combined Hearings	
	1. Alpine Rock Renewal (CK) PC#2009039	70
	13250 Colorado Highway 9	
9:30	Worksessions	
	1. Neighborhood Preservation Policy (JP/MT)	83
	2. Joint Planning Commission / Town Council Meeting September 8 th (Memo Only)	90
10:45	Town Council Report	
10:55	Other Matters	
11:00	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 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.*

ALPINE ROCK
RENEWAL
13250 CO. HWY 9
A: PROCESSING
B: EXTRACTION

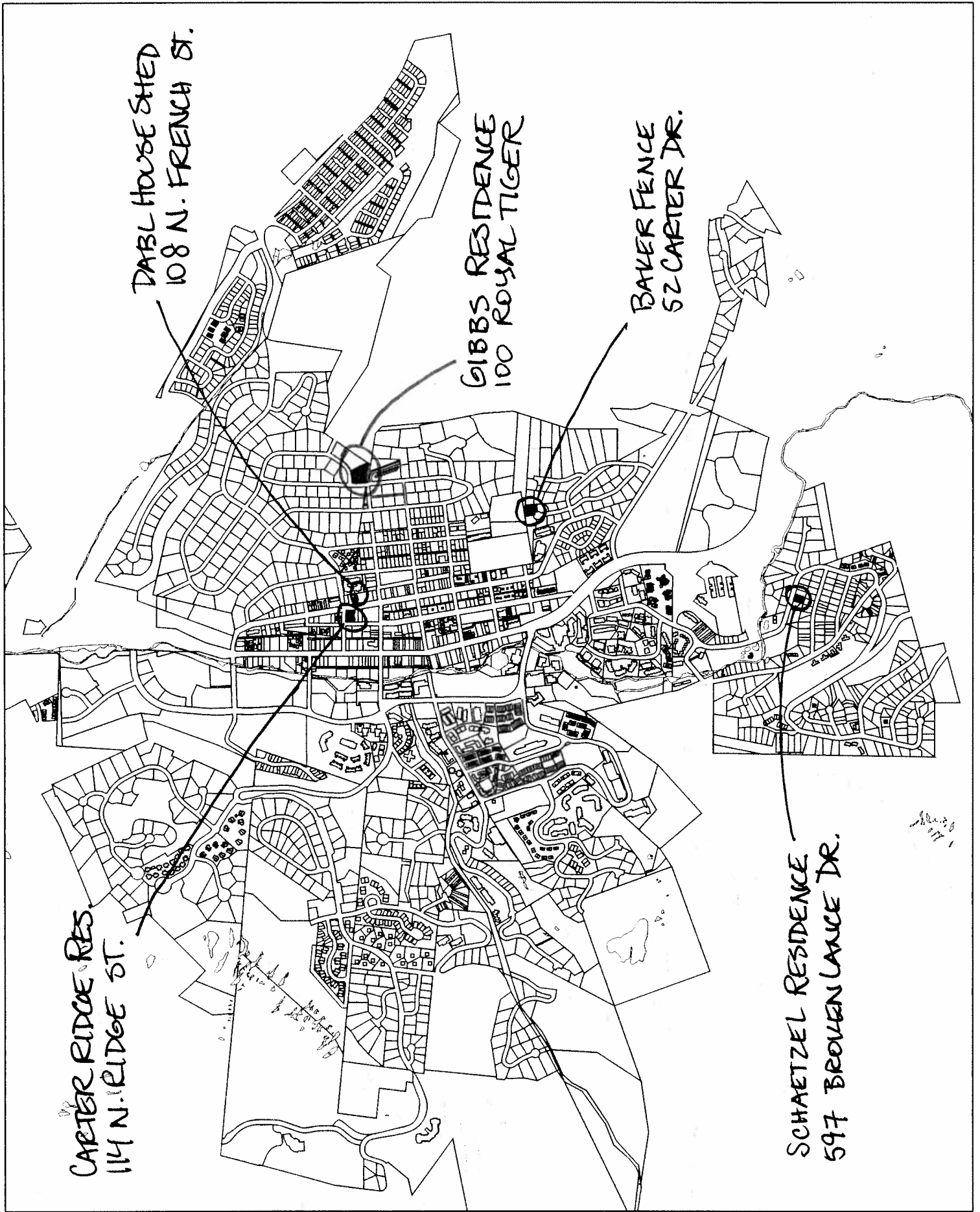


Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
use of the product for any purpose is at user's sole risk.

Breckenridge North

printed 2007

J



DABL HOUSE SHED
108 N. FRENCH ST.

GIBBS RESIDENCE
100 ROYAL TIGER

BAKER FENCE
52 CARTER DR.

CARTER RIDGE RES
114 N. RIDGE ST.

SCHAETZEL RESIDENCE
597 BROKENLANCE DR.

8/23/07



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

Breckenridge South

printed 2007



PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:05 P.M.

ROLL CALL

Rodney Allen	Michael Bertaux	Leigh Girvin
JB Katz	Jim Lamb	Dan Schroder
Dave Pringle		

APPROVAL OF MINUTES

With no changes, the minutes of the August 4, 2009 Planning Commission meeting were approved unanimously (6-0). Mr. Schroder abstained as he was absent on August 4th.

APPROVAL OF AGENDA

With no changes, the August 18, 2009 Planning Commission agenda was approved unanimously (7-0).

CONSENT CALENDAR:

1. Exchange Building Master Sign Plan Amendment, PC#2009037, 100 South Ridge Street

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

FINAL HEARING:

1. Preservation Village at Maggie Placer, PC#2008024, 9525 Colorado Highway 9
Mr. Mosher presented a proposal to develop 21 townhomes in the form of nine duplexes and one triplex. Four of the units are to be sold as market-rate and 17 will be for workforce housing. There will be 16 three-bedroom units and five two-bedroom units. Each unit will have at least a one-car garage (some have two-car garages).

Changes since the last review July 21, 2009

1. Staff, Applicant, Agent and neighbors met at the property July 24th to walk the property and review setbacks and site buffering.
2. The “red, yellow, green and blue” accent colors have been muted slightly responding to neighbors concerns.
3. Buildings 8-9 and 10-11 have been moved east away from the rear setback and landscaping has been added to better buffer to the neighboring property.
4. Snow stacking has been made more efficient.
5. The detention pond has been designed to preserve existing tree buffer to the north and follow the existing drainage patterns on the site.
6. Underground utilities have been located to preserve the existing tree buffer along the east property line.
7. Exterior dark-sky compliant lighting cut sheet is provided.
8. The playground is fenced to the west.

With the revisions provided with this submittal, Staff believes the concerns of the Commission, Staff and neighbors have been well addressed. Overall, Preservation Homes at Maggie Placer should be a welcome addition to the Town’s stock of permanently affordable workforce housing. There is good variety of architecture, functional floor plans and easy access Town via the existing sidewalk and the public transit system.

Mr. Mosher noted that the landscaping plan (handed out new copy) had been revised with an agreement between Woods Manor (in the County) and Maggie placer to plant six Spruce trees on their property to aid in buffering the impacts along the west edge of the development facing Woods Manor. Woods Manor does not want the social trail passing through their property and wanted the trees planted to discourage its use.

Staff recommended approval of Preservation Homes at Maggie Placer, PC#2008024, by supporting the passing Point Analysis and by endorsing the attached Findings and Conditions.

Mr. Royce Tolley, Preservation Homes, one of the applicants, spoke and noted the development team’s efforts to resolve issues with the adjacent property owners groups (Woods Manor and Ski and Racquet), including circulation,

tree preservation and landscaping. The developer realizes that some issues still remain with the adjacent Woods Manor group regarding the playground and the building colors.

Mr. Allen opened the hearing to public comment.

Mr. Jay Rust, president of Woods Manor HOA: The group appreciates the larger building setbacks and screening improvements with the proposed spruce trees on the Woods Manor Property, but requested that the number of trees be increased from 6 to 10. The HOA understands that the cost of trees could be significant, and believes that the cost of the increased screening could be offset with the removal of the playground. The HOA is still concerned with the building colors and that the colors do not fit in the Town of Breckenridge compared to other recent remodels. The HOA is delighted that the retaining wall will have boulders and landscaping and will help to keep the slope from eroding. He also noted that the brighter colors take away from the quality of the architectural features.

Mr. Steve Werner, retired judge, resident at Woods Manor: Has a young granddaughter. Mr. Werner spoke about the proposed playground, and the fact that his upper level unit faces the proposed playground. The playground is too close to his unit. Was concerned that the playground will attract teenagers at odd hours, and that noise could occur.

Ms. Kathy Rust, resident at Woods Manor: Spoke in detail about the proposed colors. Understands that interpretation of color is totally subjective. (Passed out a list of recent multi-family remodels that have incorporated colors.) Architectural Control Committees and Planning Commissions help to make sure that the built environment respects the town history and the natural setting. Cited the Development Code section regarding color blending into the natural settings. The staff comments from a previous hearing were also cited. References to natural materials and earth tones were made in the comments and in the code. Listed the various materials and colors proposed on the building. Respectfully requested that the guidelines be reviewed that the project color scheme not “unduly conform” to the site’s context.

Mr. Sebald, Woods Manor: Requested to see the new color board. Requested the Mr. Mosher confirm the number of materials, textures and colors on the buildings. How many of these colors on the board will be on the major textures of the building? (Mr. Gerken, BHH Partners, Architect: On one building (two units) 5 different colors and textures would be on each building.) How many accents are on the building? (Mr. Gerken noted that there are two different trims on the buildings.) This number of colors and textures does not fit in with the context of the neighborhood. Also noted that the Valleybrook Daycare did not have this many colors.

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

Commissioner Questions/Comments:

Mr. Schroder: Are you sure that a garbage truck can get through the drive lane? (Mr. Mosher: Yes, fire department trucks also.) Where is the retaining wall at the playground? (Mr. Mosher pointed it out on the site plan and noted the fence along the edge of the wall.)

Final Comments: I am in favor of the project as it is submitted. I appreciate the suggestion of diverting some funds from the playground to add more trees for screening; however, I think that the six spruce trees are sufficient buffer. Also, I believe that recreational structures are important to the project and Policy 20 of the Code encourages the use. I think that with 21 units, there could be up to 20 kids living in this complex. With the State Highway so close to the property, I’d prefer that the playground remain where it is away from the highway. I know that the accent color scheme has been muted, and I even supported how the scheme looked before. Fine with the color change. I think it fits within the color chroma as it is and I support it.

Ms. Girvin: Final Comments: I am not a big fan of this project at all. I think there is too much density on the site. I don’t like that the entire site is being nuked as a result. This site is a gateway to our community and we are losing a treed hillside and gaining a big negative impact. My hands are tied and I can’t do anything. I would respectfully request that the Council reconsider the requirement at property annexation to require 50% affordable housing. This is the result we will be seeing. My concerns are that the off-site landscaping on the Woods Manor property not impact the existing path of the social trail in the hopes that the Town can one day secure an easement in that location. I don’t think that the playground makes sense where it is because it is next to one of the market rate units. It should be moved closer to the affordable units, because they will be the ones that use it. The color scheme makes the project too busy.

- Ms. Katz: Final Comments: If this were a perfect world, I would agree with Ms. Girvin regarding the social trail, but we are constantly struggling to find locations for affordable housing. Affordable housing is a real need. I love this project and prefer that we do these types of niches throughout Town. I love the colors, and I believe they are earth tones and they are different, just not brown like everything else. In general, development impacts everyone negatively and positively, depending on your perspective. Woods Manor can buy their own spruce trees as added buffers, and it should not be required of the developer. I think that it is a great compromise that there are spruce trees being offered by the developer at all. The playground comments made at the last meeting were not meant to be offensive, and I support the playground use. Don't believe that the playground will be a place for teenagers to hang out. If you want to create a place for teenagers to hang out, put in a picnic table and nothing else, and they will show up. But they won't show up here since other people will use the playground. Possibly the playground could have daytime hours posted. I think that if there is after hours unwanted noise it should be a police enforcement issue. I support the point analysis. If it had more un-natural materials than what is proposed, I would support the points be changed to negative six. Don't believe the trail will have heavy use.
- Mr. Lamb: Final Comments: I appreciate the developers, staff and home owners working together. Looking at the Code, this project passes with seven positive points. I agree with Ms. Katz that the playground should be an enforcement issue and it should remain in the project. I think that there is a strong landscape plan. Several of the colors are so similar that I don't think they are unreasonable. The architect has a long record of building quality projects around town. Support the project and the Point Analysis.
- Mr. Pringle: What is the material being used for siding – plywood or cementitious siding? It is noted as plywood in the drawings. (Mr. Hogan: It is cementitious Hardi-plank siding, and the drawing note is incorrect.) (Mr. Mosher: The Findings and Conditions will be changed to reflect that prior to issuance of a building permit the final drawings will reflect the change.) Were the plywood panels impacting the negative three points assigned under policy 5/R? (Mr. Mosher: They were not considered a natural material in the initial review because of the smoother texture. The horizontal siding and wainscot are natural and compromise about 50% of the elevations. So, negative three points (-3) were assessed. Changing to Hardi-plank should not change the point analysis.)
Final Comments: We need to make sure that Hardi-board siding is changed on the final drawings. With these confirmed, I support the negative three (-3) points for un-natural materials. I think that the playground isn't necessary in terms of project cost, and think that barbeque grills might be more appropriate in this site plan for the residents. I agree with Ms. Katz that if more trees on the Woods Manor are requested then the property owners should plant trees. I think that the colors are a little over the top, but, on the down side, I think that the earth-tone colors all blending together (like in the Highlands) loses something and that the colors here could be good. I agree with the point analysis as long as the negative points for un-natural materials are correct. I appreciate all the efforts of Ski and Racquet and the groups striving to work together.
- Mr. Bertaux: What is the fence made of? (Mr. Gerken: Pointed out the fence detail in the packet and the location of the fencing.) (Mr. Mosher: Staggered 1X planking.)
Final Comments: I like this site because it meets several of the town's goals for diversification of affordable housing and I like the southern location close to transit, sidewalk, shops and restaurants. We have struggled with the density impacts in the past for this property and this proposal seems very workable. I support the colors and think they look more muted since the last meeting. I support the playground and believe it could be expanded. I support the project and the point analysis.
- Mr. Allen: Final Comments: I believe this is a great example of the public process working. I believe everyone's involvement has made this a better project overall. I support the playground and, per Policy 20, it is suggested by the Code. I support the colors and could be persuaded to award maximum negative points for materials. The project would still easily pass the Point Analysis. I believe that the landscaping shown is the bare minimum and meets the absolute policy. The project will be an asset to the community.

Mr. Mosher asked to add two conditions (to be formally added after the meeting):
Prior to Issuance of a Building Permit

#22. Applicant shall execute and record with the Summit County Clerk and Recorder an agreement running with the land in a form acceptable to the Town Attorney that allows for the planting and maintenance in perpetuity for the six (6) spruce trees as shown on the approved Landscaping Plan.

#23 Final drawings shall reflect that the Pre-finished Plywood Panels identified for each building is replaced with Pre-finished Cementitious Panels.

Mr. Pringle made a motion to recommend approval of the point analysis for Preservation Homes at Maggie Placer, PC#2008024, 9525 Colorado Highway 9. Mr. Lamb seconded and the motion was approved unanimously (7-0).

Mr. Pringle made a motion approve Preservation Homes at Maggie Placer, PC#2008024, 9525 Colorado Highway 9, that reflects new conditions #22 and #23 above. Mr. Bertaux seconded and the motion was approved unanimously (7-0).

PRELIMINARY HEARING:

1. Gondola Lots Master Plan, PC#2009010, 320 North Park Avenue

Mr. Neubecker presented the next topic on the Gondola Lots Master Plan: transportation, traffic, transit, parking and circulation (including pedestrian circulation). The site is surrounded by an existing network of public streets including Park Avenue (State Highway 9), Main Street, French Street, Watson Avenue and Ski Hill Road. These existing roads provide the majority of the private vehicle access to the site. Two new roads are also proposed, including South Depot Road, which connects to the existing Wellington Road at Main Street, and North Depot Road, which will connect into the site from French Street on the north.

Engineering Staff has been working closely over many months with both VRDC and CDOT on options for traffic circulation within the proposed Gondola Lot Redevelopment Site (Site) and the SH 9 (Park Ave) corridor adjacent to the Site. Staff believes the design changes presented to the Commission are the best design for the Town and the development Site, prioritizing a timely and efficient Transit system, effective traffic flow during peak and off-peak times on Park Ave, and minimizing pedestrian and vehicular interaction where possible.

Option 4, installation of a roundabout at French/Park intersection was agreed upon as the “preferred option” for improving traffic operations on Park Ave. Installation of a roundabout enhances traffic flow through the French/Park intersection and accommodates restrictions to left-hand turns onto Park Ave (preferred by CDOT) from both the Transit Access and the South Parking Garage access. Exiting vehicles can turn right and utilize the roundabout for a u-turn to head south on Park Ave. Staff believes this is the best option to ensure Transit reliable access to south-bound movements on Park Ave. If full-movement access is granted by CDOT at the Transit Access, adding the “Bus Only” acceleration lane will also provide for easier left turns for Transit during non-peak hours. A roundabout also provides a functional benefit during off-peak times allowing a free flow traffic movement through the intersection.

Staff believed the design changes presented to the Commission were the best design for the Town and the development Site, prioritizing a timely and efficient Transit system, effective traffic flow during peak and off-peak times on Park Ave, and minimizing pedestrian and vehicular interaction where possible. Proposed changes to traffic circulation within the Site included making N. Depot Road and S. Depot Road private roads, relocating access to the South Parking Garage from Watson to Park Ave, moving the skier drop-off north of the gondola to N. Depot Rd, reconfiguration of the Transit station and Transit exit route, and moving the current 1st Bank/Town Hall access north on Park Ave to accommodate the South Parking Garage. Improvements to Park Ave include the addition of auxiliary turning lanes and a “Bus Only” acceleration lane at the Transit exit, a roundabout at the intersection with French St., and restriction of left turn movements onto to Park Ave from South Parking Garage exit.

QUESTIONS AND COMMENTS

Staff welcomed any comments or questions for the Commission concerning transportation, traffic, transit, parking, or circulation.

1. Did the Commission support the general circulation plan for the project? If not, what elements require further study, detail or changes?

2. Did the Commission support the proposed round-about at French Street and Park Avenue?
3. Did the Commission support the proposed transit plan?
4. Did the Commission understand and support the parking structure operations?
5. Did the Commission support the proposed pedestrian circulation plan?
6. Did the Commission support the reduction in parking based on the mix of uses, anticipated mode split, and proximity to transit?
7. Were there other elements of these topics that have not been adequately addressed?

Mr. Bill Campie, applicant's representative from DTJ Design, presented for the developer. Mr. Campie presented the development team's transportation goals, including:

- Create a framework of roads, sidewalks and trails that reflect the downtown character
- Reduce conflicts between users
- Create a pedestrian place
- Maintain vehicle access while reducing speeds
- Extend bike path and connect to North Main Street
- Improve bus access and routing
- Develop walk-able streets

Mr. Campie reviewed the transportation changes made since the last hearing, including the south parking access from Park Avenue, roundabout at French Street, added drop-off parking spaces, and modified bus transit circulation. The roadway spacing is designed to reflect the grid of downtown. Mr. Campie showed slides of Park Avenue, beginning at the proposed roundabout at French Street and ending at Sawmill Drive. Pedestrian crossing at French Street would be provided at the roundabout, although not encouraged. The Gold Rush lot will have bus service to help prevent pedestrian crossings in this area. The roundabout also provides an alternative route for bus circulation should the left turn onto Park Avenue not be possible. The bus circulation area has added turn lanes and an acceleration lane for busses turning left onto Park Avenue. The south parking structure access has been moved to align with Sawmill Drive. The parking structures will have card feeder stations rather than a pay booth, a validation process that you can pay at multiple locations throughout the structure and in town. There will not be a left turn option at Sawmill Drive and Park Avenue, and if this becomes an issue there is an option to exit east towards Wellington Road and Main Street or along South Depot road to Watson where the hotel access is provided. The drop-off area at the gondola will have 15-minute parking and there are also several other drop off areas provided by the ski resort. The potential for a trolley has been accommodated in the plan. The existing bike paths will remain intact, and pedestrian bridges may be provided across the river in a few locations. Pedestrian access to downtown will be provided in several locations, including river crossings. Pedestrian access from the parking structures to the gondola is also an important consideration for the plan. The ski-back flow to parking structures will be provided along Park Avenue and South Depot Road.

Mr. Allen opened the hearing to public comment.

Public Comment

Mr. Bobby Craig, owner of 322 North Main Street: I like the general concept of the plan and the circulation changes are great. I am concerned with the dead end cul-de-sac at the North Depot drop-off. There needs to be another way to exit from that location because it could get backed up. I think that the density is great in this location, and should be located around a transit station. I am concerned with the size of the buildings; the parking structures and the hotel are very large. I'd like to see them broken into four buildings rather than two, and I like the wrapping of the south structure by the condo-hotel. Better spaces might be created with more buildings rather than these large buildings. I don't want to see another Main Street Station. This is in the town and needs to fit scale. How will employees of Town Hall get to the gondola?

Commissioner Questions/Comments:

Mr. Lamb: Final Comments: Regarding Mr. Craig's comment, I agree that the buildings are large but this is our last big chunk of density in the town, and I think that the density and mass needs to be here. I think the general circulation plan is improving. I think that a single lane roundabout is better because options are eliminated. The transit plan is better. Parking structure and pedestrian circulation are good. I question the parking study and the mode split; I'd like to see something studied a little closer

to home rather than Teton Village. I agree with the comments made regarding French Street and turning lanes into City Market and hope that a turn lane can be accommodated. How will the drop-off be enforced?

Ms. Katz: Can you set up the parking validation so that you can purchase packages? (Mr. Campie: Yes.) The transit building was built by a federal grant, and I want to know what the terms for the grant were. Does staff think this harms our chances to get future transit grants? I am also concerned with the town's image. (Mr. Neubecker: As long as we replace the building from the functional and programmatic aspect it should be okay, although the public and others may not be in favor of tearing the building down because of environmental concerns.)

Final Comments: I still think the condo-hotel seems too big. I am warming up to the circulation and I like roundabouts. I don't think that it being one lane will make it better, but if it has to be one then that is what it is. I feel better about the bus circulation. I think there is an under-estimation of the employee parking needs. Most people will drive themselves. I agree with Mr. Craig that the parking structure buildings are large, but people can't find the parking now and because the buildings are huge people may be able to find them. I support the mixing of the parking counts and that there will be an overlap in use. I am not in love with the complete plan layout, but know we are coming to an agreement.

Ms. Girvin: When you exit the south parking structure will it take into account the 1st Bank and employee parking for Town Hall? You will no longer be able to turn left at the bank exit? (Mr. Campie: Yes, that's correct.) It is already difficult to turn left at this location. (Mr. Campie: CDOT directed the left turn to be removed.) The proposal is to remove the parking spaces overall. We've already lost some parking spaces on the east side of the river. Has that loss been accounted for? (Mr. Neubecker: No.) Wellington Road looks like it is offset from its current alignment? (Mr. Campie: This is a town project. There is only a 6' offset but it is off our property.) I had suggested turn lanes be provided on French Street onto North Depot Road, will there be a turn lane there? (Mr. Campie: No; this has not been contemplated yet, but backup should be better with the proposed garage payment system.) Our current roundabout works pretty well most of the time, but during our busiest days that there is gridlock. (Mr. Jeff Ream, Transportation Consultant: When the roundabout blocks up it won't be a function of the roundabout, it is a function of the large amounts of traffic downstream.) (Mr. Kulick: We have been looking at advocating roundabouts along the Park Avenue corridor to make traffic move more efficiently. When stoplights are in use, traffic gets backed up and roundabouts provide better movement.)

Final Comments: I like the transit circulation. I am fine with the roundabout, and I like them. Not being able to turn south on Park Avenue from the south parking structure is an issue— could there be another roundabout here? Overall circulation is coming along, but we need to look at a more local parking study examples. I do not support the parking reduction study; I have concerns with employee parking and conference space. If possible, a turn lane should be added on French Street. Pedestrian circulation is a good aspect of the plan. I think that the private on-street parking spaces should be counted as part of the overall parking plan. I don't think it is fair that the free parking that is being removed is being moved into a pay parking structure. It is going to be important to study at a future development plan how you leave the parking structure buildings, especially the relationship to pedestrian circulation. I agree with Mr. Pringle about adding commercial and public uses to the north public structure. (Mr. Campie: Would you consider allowing extra density on the site if we added a commercial wrap to the north structure?) I might. I agree with Mr. Craig regarding the size and scale of the buildings. Could parking be added below?

Mr. Schroder: How many people use the ski back? (Mr. Bob Moore, Breckenridge Ski Resort: 30-40% coming off Peak 8 ride the gondola.) (Ms. Lucy Kay, COO, Breckenridge Ski Resort: When the gondola gets backed up, staff will encourage people to take the ski back.) Could a magic carpet be provided to bring people out of the ski back tunnel? This may help reduce people walking off-path. The peak demand for parking is between 11am-3pm; what does that mean? (Mr. Ream: Parking builds throughout the morning, but these are the hours when these structures are the most full.) (Mr. Moore: Skier habits have changed in the past few years. More people are arriving later and skiing later in the day.) Do we just expect that people will use multiple modes of transportation to get here? (Mr. Campie: Remember that we are providing more parking than is currently provided.) I had some concerns with the 1 to 1 parking ratio. Can you park your car in the structure overnight? (Mr. Campie: The intent is that it is a mixed use parking and will provide parking for people that are

skiing or going downtown, and anyone can pay to park there.) I wanted to discuss Ms. Girvin's point regarding North Depot Road access from French Street. (Mr. Ream: The queue will be improved with this system.) From out of the bus depot turning left, will the acceleration lane be in control of this project or CDOT? Will signage be provided for the bus acceleration lane? (Mr. Ream: There will be striping and the plan will be approved by CDOT.)

Final Comments: I agree with Mr. Lamb regarding the one lane roundabout and support it. I agree with comments made regarding French Street. I think the transit plan works. I think that the parking structure operations seem to work really well. Regarding pedestrian circulation, you may want to consider the magic carpet coming out of the ski back. It could help with families. Is the Gold Rush lot a part of the master plan? (Mr. Alex Iskenderian, Vail Resorts Development Company: Yes it will be included.) Will the Woods folks be involved? (Mr. Iskenderian: They wouldn't be a part of the master plan.) (Mr. Neubecker: A ski-back on the west side to the Gold Rush lot would be a separate application.) I support the parking reduction. I would support promoting commercial or non-profit uses in the north parking structure.

Mr. Pringle: I am concerned about the roundabout and the parking structure getting backed up. (Mr. Ream: It operates at Level of Service (LOS) B, which is the second best rating. Vehicles will flow into the roundabout.) I am concerned that people will have to yield to vehicles already in the roundabout because most people are coming north to south. (Mr. Ream: Both parking structures will be loaded in the morning, and will help to create gaps in the traffic movements. They all operate at LOS B. Overall there will be fewer back-ups.) (Mr. Kulick: The speed is really brought down because it is a single lane rather than a double lane roundabout. There will be substantially less delay time with this design.) I still think that French and North Main Street are being underutilized in this project, and that would be a natural spot for an egress for this parking structure. We aren't diverting enough traffic to that area. (Mr. Campie noted that the movement isn't being precluded with this design.) (Mr. Moore noted that 40% typically go towards Main Street and 60% will go toward the roundabout.) I think the bus transportation works a lot better.

Final Comments: Circulation plan is coming along well. I think roundabouts are a better solution than traffic signals. Hopefully additional roundabouts on Park Avenue will help to solve traffic movement and gridlock. Maybe we should also be looking at French and Main. I think the transit plan is coming along well, and wonder if we should plan long-range for more of a regional / RTD type system at this location. Anything that can be helped with the queuing at the structures at peak times should be included. I wonder if we want to revisit the ski back from the bridge area to Gold Rush lot; people are probably trying to ski there now. Maybe we should look at people being able to ski back to this lot for safety reasons rather than promoting several crossings across Park Avenue. I agree with others regarding French Street concerns. I don't mind the 1 to 1 parking ratio but employee parking being combined with the 1200 spaces should be reconsidered. I like how the pedestrian circulation flows through the project. Vehicular movement needs to remain intact through the site. I would promote commercial or public uses being a part of the structures on the north side of the project to enliven the area.

Mr. Allen: Is 1st Bank on board with this change of access? (Mr. Neubecker: We have spoken with them but they are not on board yet. Currently they have an access easement with Vail Resorts that needs to be verified.) Now on the east side of the ski back tunnel it is shown as going east-west and right now it goes north, is there a change proposed? (Mr. Campie: Yes, we are trying to direct traffic and improve the experience.) How does the bike path cross Watson? (Mr. Campie: There will be an underpass.) Was there anything to talk about the intersection of French and North Depot Road and how this will affect City Market? (Mr. Ream: It wasn't included in the LOS analysis, but if there is enough width for a turn lane I would propose that we include it.) (Mr. Moore: It is 3 lanes at the light.) (Mr. Iskenderian: There are four access points into City Market; operationally the garage will work better than the existing situation. We aren't opposed to it, just not sure of the need.) Have other projects been allowed to do a 1 to 1 parking ratio? (Mr. Neubecker: Yes. Base of Peak 7 & 8. You are allowed by code to do this with a parking study showing that it works.)

Final Comments: Circulation has come a long way. I like the pedestrian traffic conflict reductions. I need more information on the condo-hotel parking and what ratio it should be and am concerned with the 1 to 1 ratio. I don't think that condo-hotel parking should overflow into the ski parking. I agree with staff regarding the mode split. I think we need to address the employee parking. I would like to see the parking study based on local issues. Parking structure operations and organization

seem to work well. Roundabout is fantastic. I agree with Mr. Pringle regarding the Gold Rush lot and ski back access. If we explore this, then the tunnel needs to be “Beaver Creek” nice and people prefer to use it so that they won’t ski to Gold Rush and walk across Park Avenue. I support the proposed ski back proposal, but there are going to be people that want to short cut back to the north parking structure. There will also be pedestrians coming from 4 O’clock run area and will be coming to the gondola. Where the buses turn off Park Avenue I have a concern with pedestrian conflicts and we need to address it. I agree with the comments regarding French Street and want to make sure that if there is adequate space for a turn lane we should provide it. Sidewalks on either side of South Depot Road need to be wide to handle large amounts of pedestrian traffic. I support the emergency connection between the drop-off and the bus circulation. There needs to be adequate room on the west side of the Blue River and the condo structure so people can get back to Town Hall. Policy 16/R calls for safe and efficient pedestrian circulation and currently I don’t believe the way the tunnel is operating is safe. I would encourage pedestrian bridge crossings and easements over the Blue River to be determined now if possible. I agree with Mr. Pringle regarding public benefit type uses in the north parking structure and may support additional density for this. If we decide to pursue this, we’ll need to look at the circulation to serve that space.

WORKSESSION:

1. Landscaping Policy:

Ms. Cram presented updates on the Voluntary Defensible Space Ordinance and the Landscape Ordinance, including Water Features and Point Multipliers.

Questions for the Commission:

- 1) Did the Commission have any comments regarding the standards noted for Zones 1, 2 and 3 as described in the Voluntary Defensible Space Ordinance?
- 2) Did the summary presented address Commissioner concerns on water features?
- 3) Did the Commission have anything to add in regard to multipliers?
- 4) Were there other items that the Commission would like to discuss for future worksessions?

Commissioner Questions/Comments:

Mr. Lamb: I don’t even think in the historic district that we have a Zone 2.

Ms. Girvin: I have a lot of practical questions. Where do I keep my firewood? (Ms Cram: RWB will be available to give direction, it is best not under your deck or next to other combustibles. They prefer it outside of Zone 1, but if it is a tight property they would ask you keep it under a canvas tarp.) What are other “combustibles”? (Ms. Cram: Next to shrubs, trees, etc. It can be next to your house with a canvas tarp as recommended.) In Zone 1 all leaf and needle clutter should be removed. What do I do with it? Landfill? Compost? Is a compost considered a fire hazard? (Mr. Allen: Remember that this is voluntary.) Isn’t glycol a hazard to animals? (Ms. Cram: It is used for the pump and isn’t in the circulating water, but we will verify this for you. South Pine Street has a good example.) The one by the (Carter) park is bad and I was fearful that the water was harmful. (Ms. Cram: We could include in the ordinance that glycol cannot be used outside of the pump.) I would agree with that. Does the town have any authority to require landowners to remove the dead lodgepole trees? (Ms. Cram: They have until June 1, 2012 to remove them. Most property owners are continuing to remove trees on an annual basis.) Can you split the ordinance similar to defensible space so that people in town in the historic district have to remove their trees now? I would like to see positive points for preserving native landscaping. Sensitive construction boundaries and working within site disturbance envelopes are important. (Mr. Neubecker noted that soil stacking area has been an issue, and trying to balance this with impact of hauling dirt is tricky).

Mr. Bertaux: Do you think the change to the Development Code regarding defensible space will be coming soon? (Ms. Cram: Yes and it will be part of Policy 22 along with the other landscape updates.) I like the way the water features text is written.

Mr. Pringle: The task force is a great idea. I think that the best things to do in these types of documents are to look at best management practices, and Ms. Girvin’s questions are good. For example, some people aren’t going to mow their lots. Regarding water features, if I want to put a swimming pool or water feature in my backyard, what depth requires a fence? (Ms. Cram: That is a building code requirement, and I will look that up for you.) Can we get a cut sheet on the pump systems in water

features? If we offer positive points for landscaping then people can get more positive points with additional quantity. I would like to see the minimum required to get a zero score, an absolute policy. (Ms. Cram: Ground zero is forest health. When you have removed the dead and diseased and then created a healthier landscape environment that is ground zero anything beyond that could warrant positive points. People need to understand the relationship between landscaping, buildings, circulation, etc. and mature tree size. We should look at landscaping that is needed on each site, for example if a property should be providing buffer then a buffer should be provided.) (Mr. Neubecker: Remember that a landscape plan can also get negative points per current code.)

Mr. Allen: Can you walk us through the landscape plan from the Maggie Placer project to show an example of defensible space? Within about 20' of these buildings we are preserving the stand of lodgepole pines; does this conflict with the defensible space ordinance? (Ms. Cram: The natural fuel breaks of Highway 9 and the access drive allow for those natural buffers to remain. The code allows for a case-by-base basis review.) I don't have a problem with the way the ordinance is written for water features, but I think that since water features are landscaping they should be allowed to extend beyond the disturbance envelope. What is going on with the mountain pine beetle ordinance? (Ms. Cram: We want to give property owners an opportunity to phase removal of the dead trees and there is currently a 3-year time frame. This is separate from the defensible space ordinance. We also need to look at the staff resources required to enforce the ordinance on an annual basis.) Are you okay with what the Shock Hill HOA is doing? (Ms. Cram: Yes. They are thankful for the voluntary ordinance and an entire neighborhood with defensible space is definitely more effective.) Can we look at off-site landscaping? Why do property lines matter if it helps the project? I think if you provide landscape you should get positive points.

TOWN COUNCIL REPORT:

None

ADJOURNMENT

The meeting was adjourned at 11:00 p.m.

Rodney Allen, Chair

TOWN OF BRECKENRIDGE

Standard Findings and Conditions for Class C Developments

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

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated August 27, 2009, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on September 1, 2009 as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on March 7, 2011, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to, the building code.
6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.

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

PRIOR TO ISSUANCE OF BUILDING PERMIT

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

water system, including hydrants, prior to any construction with wood. In the event the water system is installed, but not functional, the Fire Marshall may allow wood construction with temporary facilities, subject to approval.

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

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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

requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**

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

(Initial Here)



Class C Developr **COMMUNITY DEVELOPMENT**

Project Name/PC#: Schaezel Residence PC#2009038
Project Manager: Chris Kulick
Date of Report: August 10, 2009 For the September 1, 2009 Planning Commission Meeting
Applicant/Owner: Tom & Elycia Schaezel
Proposed Use: Single Family Residential
Address: 597 Broken Lance Drive
Legal Description: Lot 2, Warriars Mark #2
Site Area: 9,375 sq. ft. 0.22 acres
Land Use District (2A/2R): 30.7: Residential, per county approved density allocation map-maximum 6 UPA, Single-Family or Duplex
Existing Site Conditions: The lot slopes downhill from north to south at an average of 8%. The site is moderately heavily with lodgepole pine trees. A 8 foot utility easment runs along the northern, western and southern edges of the property line. A 5 foot utility easement runs along the eastern edge of the property line.
Density (3A/3R): Allowed: Unlimited Proposed: 1,175 sq. ft.
Mass (4R): Allowed: Unlimited Proposed: 1,175 sq. ft.
F.A.R. 1:7.98 FAR
Areas:
Lower Level:
Main Level: 825 sq. ft.
Upper Level: 350 sq. ft.
Accessory Apartment:
Garage:
Total: 1,175 sq. ft.
Bedrooms: 2
Bathrooms: 2
Height (6A/6R): 27 feet overall
(Max 35' for single family outside Historic District)
Lot Coverage/Open Space (21R):
Building / non-Permeable: 1,413 sq. ft. 15.07%
Hard Surface / non-Permeable: 552 sq. ft. 5.89%
Open Space / Permeable: 7,410 sq. ft. 79.04%
Parking (18A/18/R):
Required: 2 spaces
Proposed: 2 spaces
Snowstack (13A/13R):
Required: 138 sq. ft. (25% of paved surfaces)
Proposed: 276 sq. ft. (50.00% of paved surfaces)
Fireplaces (30A/30R):
One EPA phase II
Accessory Apartment: None
Setbacks (9A/9R):
Front: 28 ft.
Side: 13 ft. Minimum 10' per plat notes
Side: 27 ft. Minimum 10' per plat notes

Rear: 52 ft.

Architectural Compatibility (5/A & 5/R): The residence will be compatible with the land use district and surrounding residences.

Exterior Materials:

6" horizontal cedar siding, 6" x 6" natural wood posts and natural stone base.

Roof: Non-reflective, standing seam metal

Garage Doors: none

Landscaping (22A/22R):

Planting Type	Quantity	Size
Douglas Fir	8	5'-7' tall
Aspen	16	1-1.5 inch caliper - 50% of each and 50% multi-stem
Shrubs and perennials	2	5 Gal.

Drainage (27A/27R): Positive away from structure

Driveway Slope: 4 %

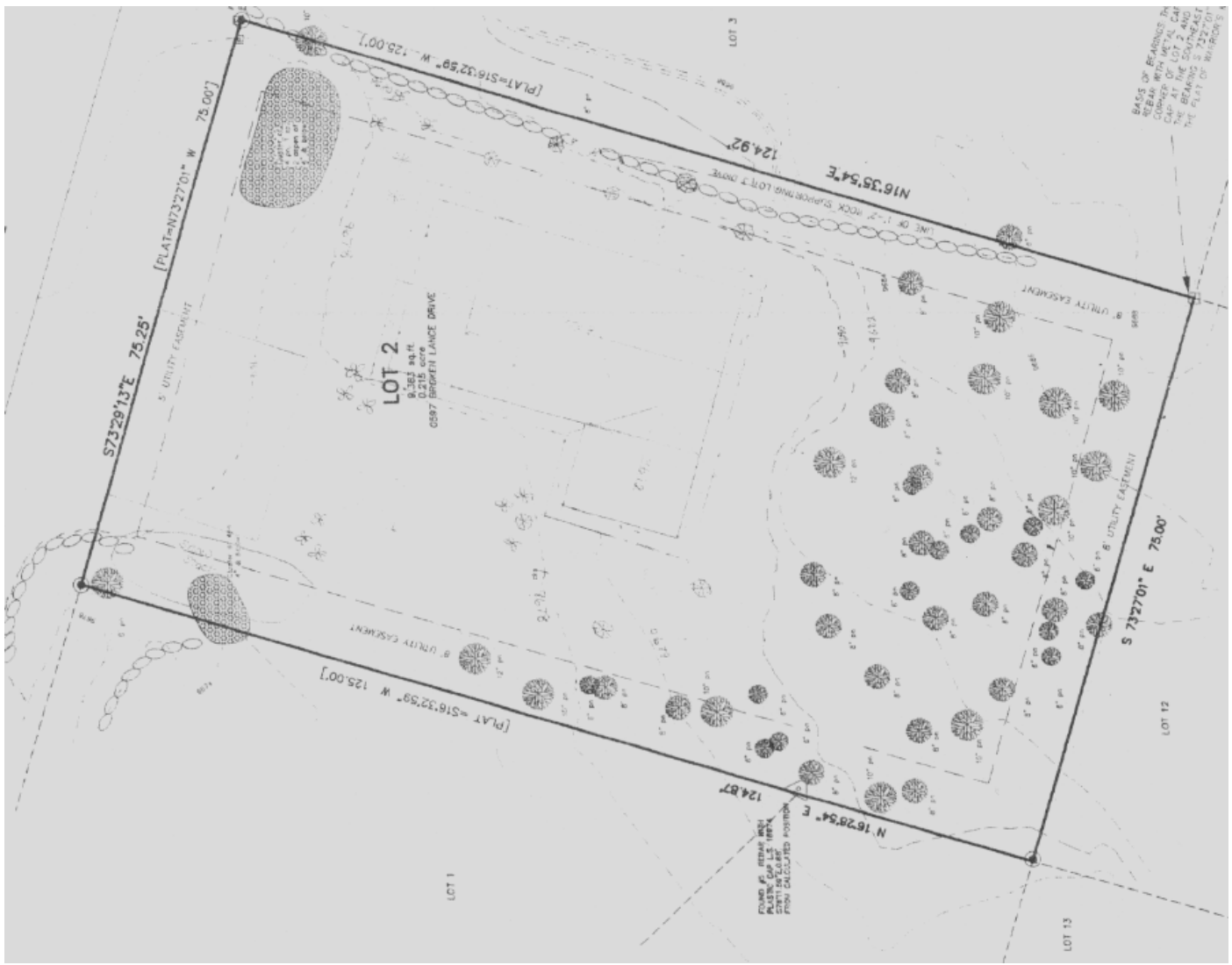
Covenants: Standard Landscaping Covenant

Point Analysis (Sec. 9-1-17-3): An informal point analysis was conducted for this proposed residence and no positive or negative points are warranted.

Staff Action:

Comments:

Additional Conditions of Approval:



Planning Commission Staff Report

Project Manager: Michael Mosher

Date: August 21, 2009, (For meeting of September 1, 2009)

Subject: Baker Fence (Class C Minor, Hearing; PC#2009040)

Applicant/Owners: Allison C. Baker (and William Vieth)

Proposal: Per Policy 47/A, Fences, Gates and Gateway Entrance Monuments, construct a wooden buck and rail fence along the north property line for Lots 24 and 25 to separate the public use of Carter Park from the private lots abutting the park.

Address: 52 and 51 Carter Drive, Sunbeam Estates

Legal Description: Lots 24 and 25, Sunbeam Estates, Filing #2

Land Use District: 26 - Residential

Site Conditions: The site slopes at about 6% to the northwest. There is a 5-foot snow stacking easement at the front setback on Carter Drive. The site is wooded with existing Lodgepole Pine and newer planting from the construction of the residence (PC# 96-4-3). The 20' wide public trail easement to access Carter Park from the south exists on Lots 28, 29 and 30 to the east of this property.

Adjacent Uses: Single family homes and Carter Park

Item History

The Baker Residence was approved and constructed in 1996. The house has a patio, sitting area and fountain 30 feet south from Carter Park. Over time the applicant has repeatedly observed that park visitors will use the deck and yard area assuming it is part of the Carter Park public space. There have even been instances where these unwanted visitors refuse to leave the property after being asked.

Additionally, a social trail has been created on Lot 25 at the end of the cul-de-sac cutting through the existing plantings towards the park.

Per Policy 47/A, fences are allowed abutting public spaces with the following conditions:

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

12. private fences to delineate the boundary between private land and a public trail or public open space, but only if authorized by a variance granted pursuant to section K of this policy.

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

Staff Comments

Staff believes that, per Policy 47/A, a fence is warranted in this area. There is an existing trail and easement east of Lot 25 connecting Carter Park to properties to the south and there are plenty of existing picnic/recreational areas in the park.

The placement of the fence is desired to eliminate confusion and to reduce the risk of liability of uninvited people getting injured on private property. The simple buck and rail design is supported by the Code. (See attached photos) and will match the neighbors existing fence.

Staff supports granting the variance based on the following criteria:

1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space;

There have been numerous instances where the public believes the yard and deck area of Lot 25 is part of the Carter Park facilities.

2) the applicant's inability to erect the fence would present a hardship; and

The applicant's loss of privacy, the liability and risk of personal injury on private property represent hardship in this situation.

3) the purposes of this policy will be adequately served by the granting of the variance.

The fence is designed to match existing fences around the park and meet the criteria of policy 47/A. The fence will act as a visual barrier to discourage trespassers and will have a wire mesh backing to control balls rolling through the fence.

Staff Decision

The Planning Department has approved the Baker Fence, PC#2009040, with the attached Findings and Conditions.

TOWN OF BRECKENRIDGE

**Baker Fence
Lots 24 and 25, Sunbeam Estates, Filing #2
52 and 51 Carter Drive, Sunbeam Estates
PC#2009040**

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

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **August 21, 2009**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **September 1, 2009** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.
6. The variance is requested per Absolute Policy 47, Fences, Gates And Gateway Entrance Monuments, to allow a fence and is granted based on the following required criteria being met:
7. Per section K. of Absolute Policy 27, The planning commission or town council may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space by granting a variance from the limitations of this policy. A variance shall be granted under this subsection J only upon the written request of the applicant, and a finding that the applicant has satisfactorily demonstrated that:
 - 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space;
 - 2) the applicant's inability to erect the fence would present a hardship; and
 - 3) the purposes of this policy will be adequately served by the granting of the variance. No variance shall have the effect of nullifying the intent and purpose of this policy. Section 9-1-11 of this chapter is not applicable to the granting of a variance to erect a private fence to delineate the boundary between private land and a public trail under this section.
8. The placement of the fence is desired to eliminate confusion and to reduce the risk of liability of uninvited people getting injured on private property. The simple buck and rail design is supported by the Code.
9. The granting the variance based on the following criteria (support comments are in *italics*):
 - a. 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space;
 - b. *There have been numerous instances where the public believes the yard and deck area of Lot 25 is part of the Carter Park facilities.*
 - c. 2) the applicant's inability to erect the fence would present a hardship; and

- d. *The applicant's loss of privacy, the liability and risk of personal injury on private property represent hardship in this situation.*
 - e. 3) the purposes of this policy will be adequately served by the granting of the variance.
 - f. *The fence is designed to match existing fences around the park and meet the criteria of policy 47/A. The fence will act as a visual barrier to discourage trespassers.*
10. Granting of the variance will be in general harmony with the purposes of the Development Code, 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. Granting the variance will be in harmony with the Town's Development Code.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions 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 **March 9, 2011**, unless 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 compliance for the project covered by this permit. The determination of whether a certificate of compliance should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. At no time shall site disturbance extend beyond the limits of the platted building/site disturbance envelope, including building excavation, and access for equipment necessary to construct the residence.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. 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 START OF CONSTRUCTION

9. Applicant shall submit proof of ownership of the project site.

10. An improvement location certificate indicating the proposed location of the fence in relation to the property line shall be submitted.
11. 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.
12. 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.
13. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

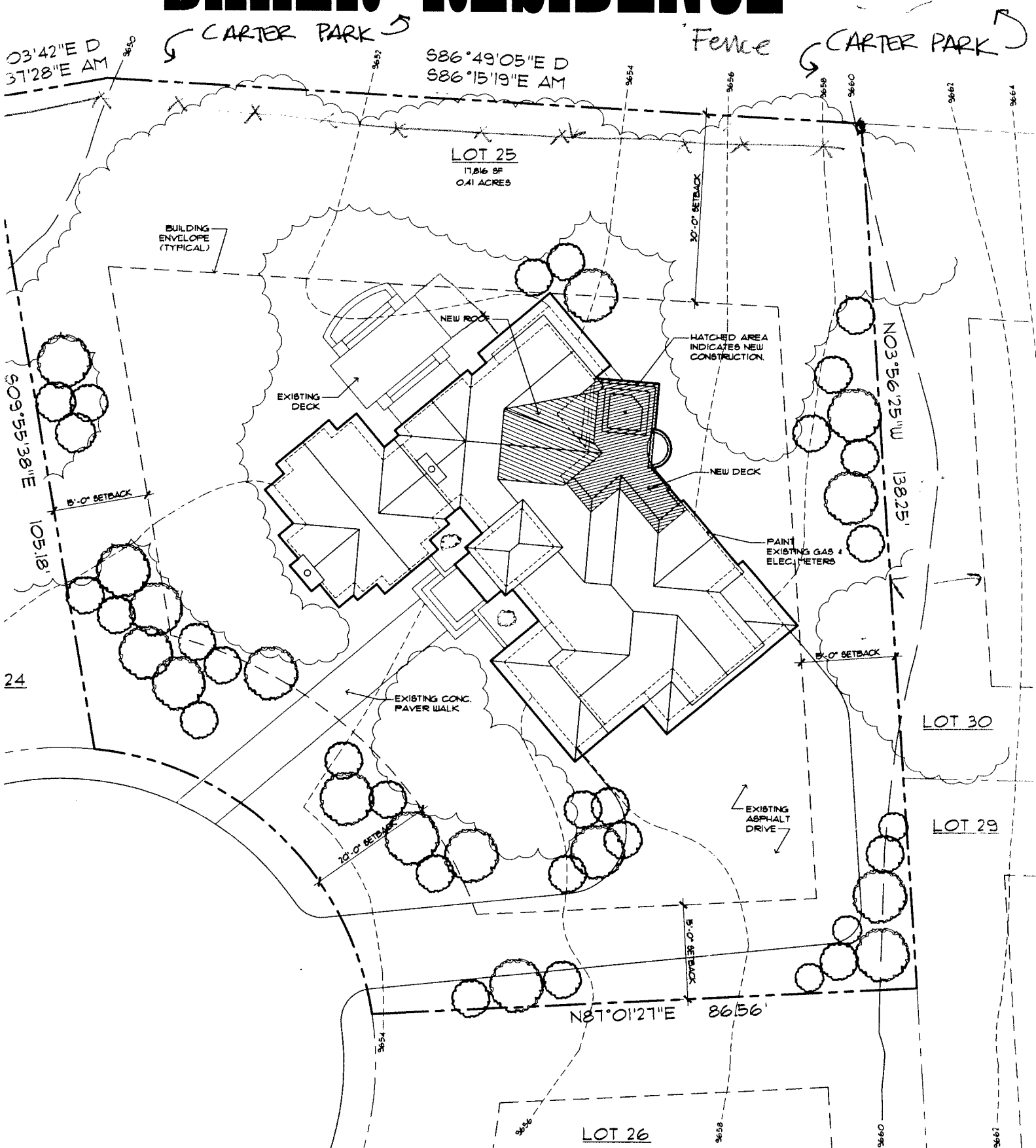
14. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
15. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, 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.
16. 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.
17. 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.**

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

(Initial Here)

BAKER RESIDENCE



E PLAN

27 of 90



Social trail
through
Lots 24 and 25



Platted trail
through
Lots 25,26,27



Applicant's
house adjacent
to Carter Park



Class C Development

COMMUNITY DEVELOPMENT

PC#2009041

Project Name/PC#: Gibbs Residence
Project Manager: Matt Thompson, AICP
Date of Report: August 27, 2009 For the September 1, 2009 Planning Commission Meeting
Applicant/Owner: Phil & Barbara Gibbs
Agent: Equinox Architecture, LLC
Proposed Use: Single-Family Residential
Address: 100 Royal Tiger Road
Legal Description: Lot 18, Block 12, #2 Weisshorn Subdivision
Site Area: 43,500 sq. ft. 1.00 acres
Land Use District (2A/2R): 12: Residential (2UPA)
Existing Site Conditions: Lot had an existing 3,100 Square Foot Single-Family Home that was constructed in 1967, which was demolished in 2007. The lot slopes at 8.75% from northwest to the southeast. Site is moderately covered with Lodge Pole Pine and Aspen. Most existing trees will be preserved.

Density (3A/3R): Allowed: Unlimited Proposed: 3,434 sq. ft.
Mass (4R): Allowed: Unlimited Proposed: 4,700 sq. ft.
F.A.R.: 1:9.26 FAR
Areas:
Lower Level: 916 sq. ft.
Main Level: 1,498 sq. ft.
Upper Level: 1,020 sq. ft.
Accessory Apartment:
Garage and Shop: 1,266 sq. ft.
Total: 4,700 sq. ft.

Bedrooms: 3
Bathrooms: 4
Height (6A/6R): 28 feet overall
(Max 35' for single family outside Historic District)

Lot Coverage/Open Space (21R):
Building / non-Permeable: 5,654 sq. ft. 13.00%
Hard Surface / non-Permeable: 1,976 sq. ft. 6.80%
Open Space / Permeable: 35,870 sq. ft. 82.46%

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

Snowstack (13A/13R):
Required: 494 sq. ft. (25% of paved surfaces)
Proposed: 500 sq. ft. (25.30% of paved surfaces)

Fireplaces (30A/30R): 1 Gas & 1 Wood Burning EPA II rated

Accessory Apartment: No

Building/Disturbance Envelope? No

Setbacks (9A/9R):
Front: 35 ft.
Side: 36 ft.
Side: 51 ft.
Rear: 58 ft.

Architectural Compatibility (5/A & 5/R): The residence will be architecturally compatible with the land use district.

Exterior Materials: Vertical 1 x 6 vertical cedar channel-Rustic siding, Moss Rock stone veneer, stained cedar "Canyon Brown" timber, roof fascia and window headers.

Roof: "Barkwood" composition shingles

Garage Doors:

Wood Clad

Landscaping (22A/22R):

Planting Type	Quantity	Size
Aspen	16	min. 1 1/2" caliper
Colorado Spruce	6	8' - 10' Height

Drainage (27A/27R):

Positive away from structure.

Driveway Slope:

8 %

Covenants:

Standard Landscaping Covenant

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

An informal point analysis was conducted and no positive or negative points are warranted.

Staff Action:

Comments:

The applicant would like to keep dogs and people off of their property. The public trail adjacent to the applicants property is a popular trail. The applicant has had problems with dogs on their property in the past. The property owner would like to grow a garden and keep dogs out of such garden. Per Policy 47/A, fences are allowed abutting public spaces with the following conditions: *C. Outside of the Conservation District: Fences and landscape walls are prohibited outside of the Conservation District, except the following fences are permitted when constructed in accordance with the design standards described in section D of this policy: 12. Private fences to delineate the boundary between private land and a public trail or public open space, but only if authorized by a variance granted pursuant to section K of this policy. The planning commission or town council may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space by granting a variance from the limitations of this policy. A variance shall be granted under this subsection J only upon the written request of the applicant, and a finding that the applicant has satisfactorily demonstrated that: 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space; 2) the applicant's inability to erect the fence would present a hardship; and 3) the purposes of this policy will be adequately served by the granting of the variance. No variance shall have the effect of nullifying the intent and purpose of this policy. Section 9 1 11 of this chapter is not applicable to the granting of a variance to erect a private fence to delineate the boundary between private land and a public trail under this section.* Staff believes that, per Policy 47/A, a fence is warranted in this area. There is an existing trail and easement adjacent to their property. It would be a simple buck and rail design with a metal mesh to keep dogs out. Staff supports granting the variance based on the following criteria: 1) *the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space;* There have been numerous instances where the public does not realize they have entered private property. 2) *the applicant's inability to erect the fence would present a hardship;* The applicant's loss of privacy, and the inability to grow a garden without dogs entering the property. 3) *the purposes of this policy will be aduquately served by the granting of the variance.* The fence is designed to meet the criteria of Policy 47/A.

Additional Conditions of Approval:

Staff has included variance Findings and Conditions in the attached Findings and Conditions.

Staff has approved the Gibbs Residence, PC#2009041, 18, Block 12, # 2 Weissshorn, with the attached findings :

TOWN OF BRECKENRIDGE

Gibbs Residence
Lot 18, Block 12, Weisshorn Subdivision #2
100 Royal Tiger Road
PC#2009041

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

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **August 27, 2009**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **September 1, 2009** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.
6. The variance is requested per Absolute Policy 47, Fences, Gates And Gateway Entrance Monuments, to allow a fence and is granted based on the following required criteria being met:
7. Per section K. of Absolute Policy 27, The planning commission or town council may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space by granting a variance from the limitations of this policy. A variance shall be granted under this subsection J only upon the written request of the applicant, and a finding that the applicant has satisfactorily demonstrated that:
1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space; 2) the applicant's inability to erect the fence would present a hardship; and 3) the purposes of this policy will be adequately served by the granting of the variance. No variance shall have the effect of nullifying the intent and purpose of this policy. Section 9-1-11 of this chapter is not applicable to the granting of a variance to erect a private fence to delineate the boundary between private land and a public trail under this section.
8. The placement of the fence is desired to eliminate confusion and to reduce the risk of liability of uninvited people getting injured on private property. The simple buck and rail design is supported by the Code.
9. The granting the variance based on the following criteria (support comments are in *italics*):
 - a. 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space;
 - b. *There have been numerous instances where the public did not realize they had entered private property.*
 - c. 2) the applicant's inability to erect the fence would present a hardship; and

- d. *The applicant's loss of privacy, and the inability to grow a garden without dogs entering the property.*
 - e. 3) the purposes of this policy will be adequately served by the granting of the variance.
 - f. *The fence is designed to match to meet the criteria of Policy 47/A.*
10. Granting of the variance will be in general harmony with the purposes of the Development Code, 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. Granting the variance will be in harmony with the Town's Development Code.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions 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 **March 9, 2011**, unless 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 compliance for the project covered by this permit. The determination of whether a certificate of compliance should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. 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

8. An improvement location certificate indicating the proposed location of the fence in relation to the property line shall be submitted.
9. 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.

10. 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.
11. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
12. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
13. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.
14. Applicant shall field locate utility service lines to avoid existing trees.
15. 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.
16. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
17. 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.
18. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
19. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
20. Applicant shall install construction fencing around the construction site in a manner acceptable to the Town Planning Department.

21. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

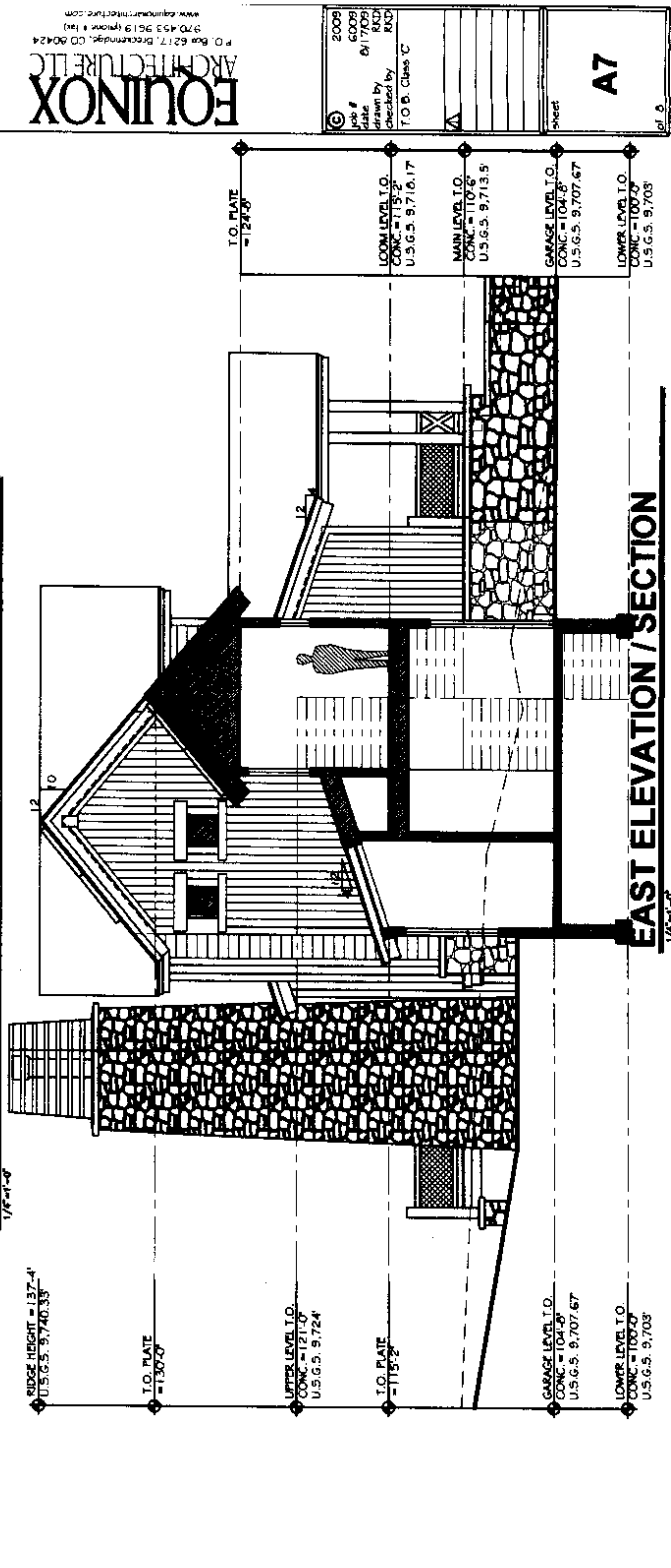
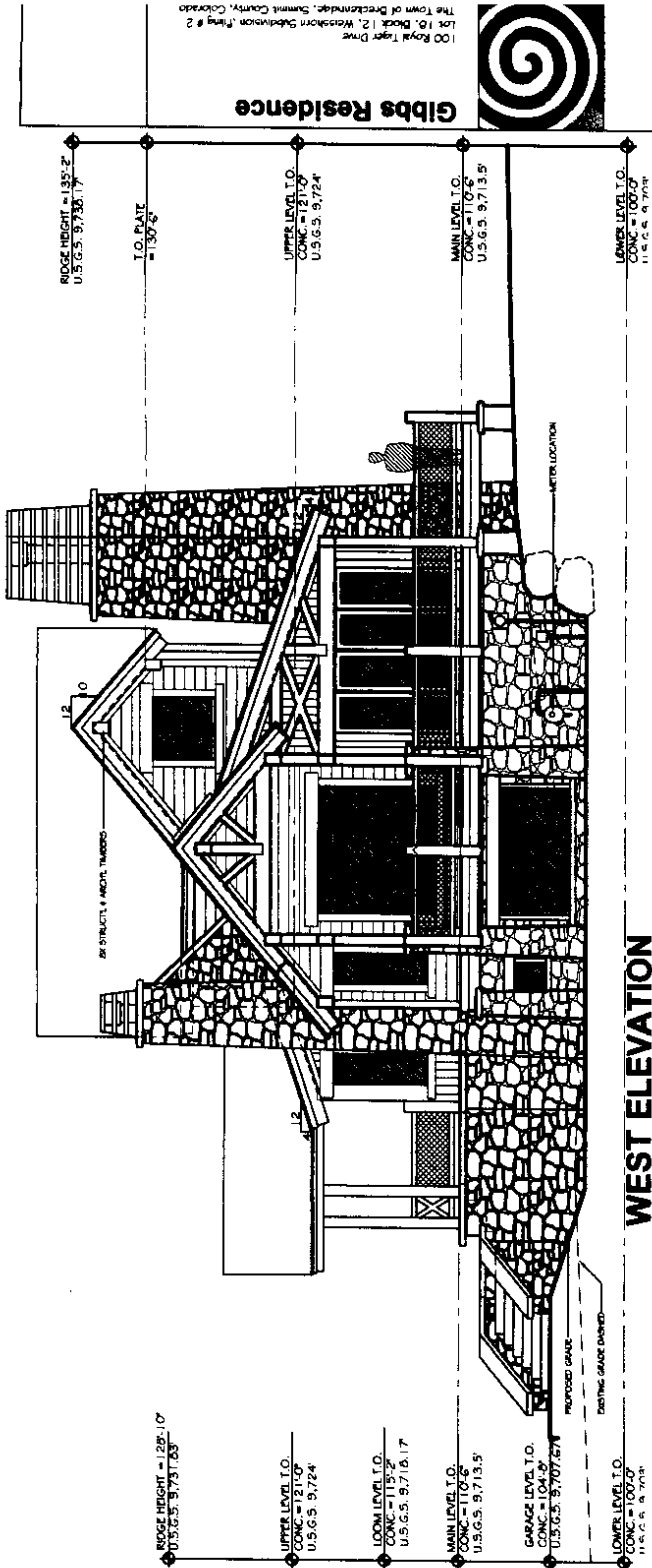
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

22. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
23. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
24. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property. Applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.
25. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
26. Applicant shall screen all utilities.
27. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
28. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
29. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
30. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions"

generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**

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

(Initial Here)



Gibbs Residence
 100 Royal Tiger Drive
 Lot 10, Block 12, Washburn Subdivision, Ring # 2
 The Town of Breckenridge, Summit County, Colorado




EQUINOX
 ARCHITECTURE, LLC
 P.O. Box 6217, Breckenridge, CO 80424
 970.453.9513 (phone & fax)
 www.equinoxarchitecture.com

2009	6009	6/17/09	800
Use #	Date	Drawn By	Checked By
		RCD	RCD
T.O.B. Class 'C'			
Sheet			
A7			

Gibbs Residence

100 Royal Taper Drive
 Lot 15, Block 12, Westhorn Subdivision, Ring # 2
 The Town of Breckenridge, Summit County, Colorado



EQUINOX
 ARCHITECTURE, LLC

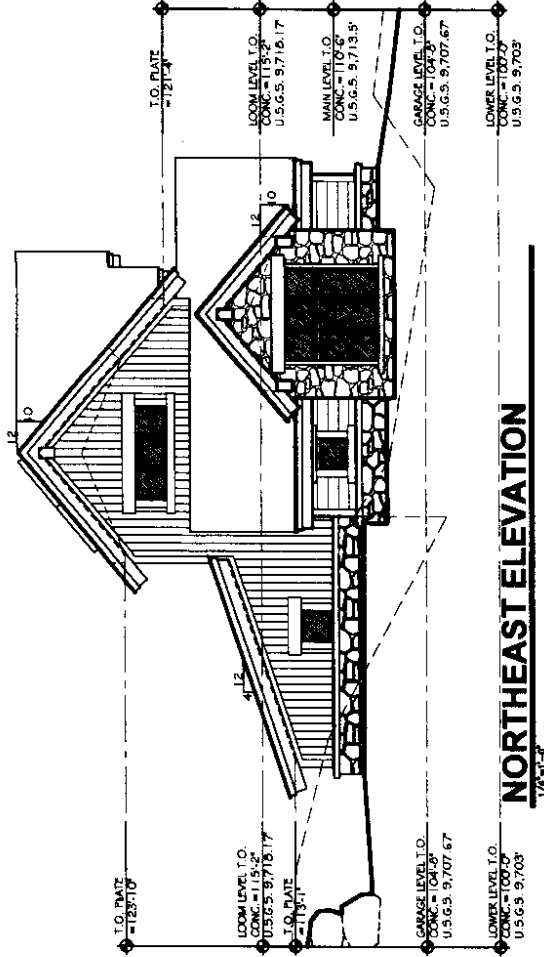
P.O. Box 6217, Breckenridge, CO 80424
 970.455.9619 (phone & fax)
 www.equinoxarchitecture.com

2009
 Job # 0008
 Date: 8/17/09
 Drawn by: [blank]
 Checked by: [blank]
 T.O.B. Class C

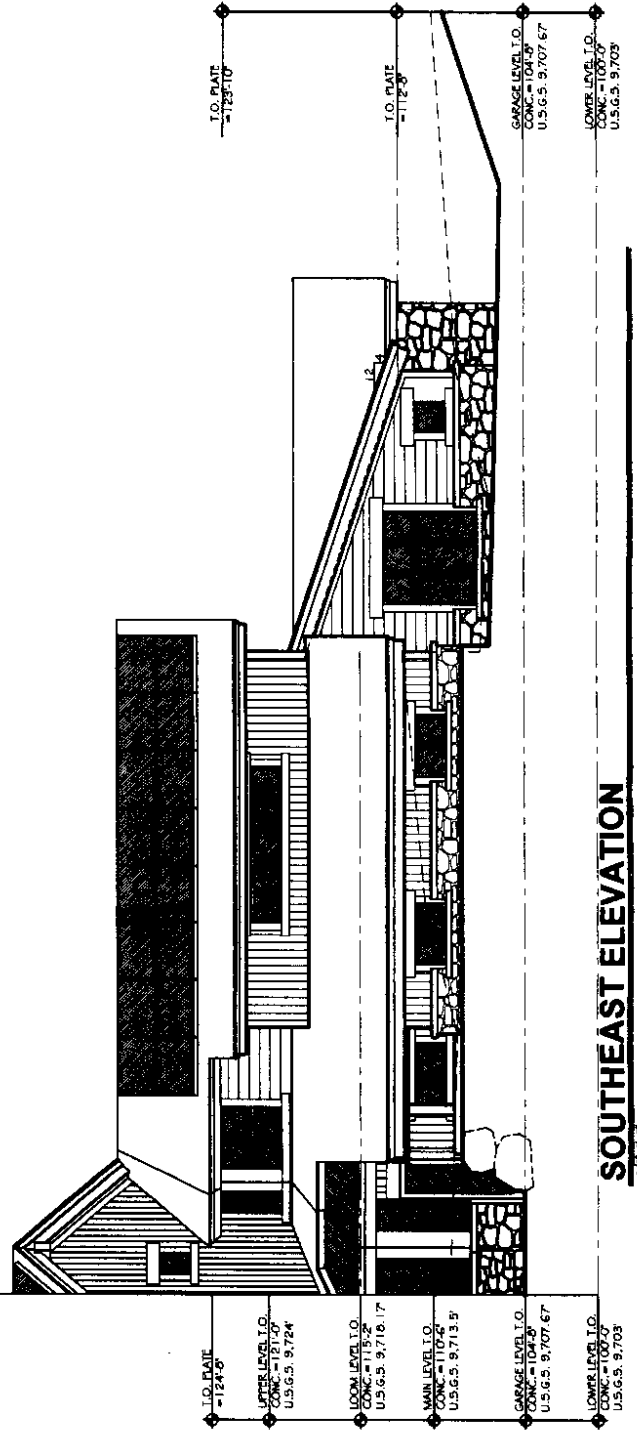
A8

Sheet

of 8



NORTHEAST ELEVATION
 1/8"=1'-0"



SOUTHEAST ELEVATION
 1/8"=1'-0"

Planning Commission Staff Report

Project Manager: Matt Thompson, AICP

Date: August 26, 2009 (For meeting of September 1, 2009)

Subject: Carter Ridge Residence (Class B Major, Preliminary Hearing; PC#2008076)

Applicant/Owner: Al Stowell

Agent: BHH Partners, Alice Santman

Proposal: A proposal to construct an 8,114 sq. ft. residence with four bedrooms, five bathrooms, and an accessory apartment. A material and color sample board will be available for review at the meeting.

Address: 114 N. Ridge Street

Legal Description: Lot 3, Abbett Addition

Site Area: 0.31 acres (13,397 sq. ft.)

Land Use District: 18.2 – Residential and Commercial allowed
20 UPA Residential, 1:1 FAR Commercial

Historic District: North End Residential Character Area

Site Conditions: This lot is relatively flat, but there is a slight crown towards the middle of the lot which is 5’ higher than the edge of the retaining wall on Ridge Street. There are around a dozen lodgepole pine trees, to the west of the proposed residence, which will remain. However, two of these trees appear to be infested with mountain pine beetle.

Adjacent Uses: North: Land Title East: Fireside Inn
South: Matthew Stais Architects West: Carter Museum

Density: Allowed under LUGs: 9,920 sq. ft.
Proposed density: 8,114 sq. ft.

Above Ground Density: Allowed (9UPA): 4,464 sq. ft.
Proposed: 4,428 sq. ft.

Mass: Allowed under LUGs: 11,904 sq. ft.
Proposed mass: 5,113 sq. ft.

Total:

Lower Level:	3,625 sq. ft.
Main Level:	2,840 sq. ft.
Garage:	685 sq. ft.
<u>Upper Level:</u>	<u>964 sq. ft.</u>

	Total	8,114 sq. ft.
Height:	Recommended:	23' (mean)
	Proposed:	22' – 11 ¾" (mean); 31' (overall)
Lot Coverage:	Building / non-Permeable:	3,525 sq. ft. (26.4% of site)
	Hard Surface / non-Permeable:	1,881 sq. ft. (14% of site)
	Open Space / Permeable Area:	7,991 sq. ft. (59.6% of site)
Parking:	Required:	3 spaces
	Proposed:	3 spaces
Snowstack:	Required:	312 sq. ft. (25%)
	Proposed:	314 sq. ft. (25.1%)
Setbacks:	Front:	52 ft.
	Sides:	5 ft.
	Rear:	17 ft.

Item History

On July 1, 2008 the applicant, Al Stowell, had a worksession with the Planning Commission. Staff and the applicant had two major questions we asked the Planning Commission to comment on. First, did the Planning Commission believe the Staff interpretation of Priority Policy 89 was correct? Priority Policy 89 states: *Maintain the established historic set-back dimensions in new construction.* Second, did the Planning Commission believe the Staff interpretation of Section 9-2-4-13 of the Town Subdivision Standards was correct? Section 9-2-4-13 of the Subdivision Standards states, *“All subdividers shall be required to dedicate to the Town ten percent (10%) of the land area of the proposed subdivision for use by the Town for parks, open space, or other similar recreational purposes, or to provide cash in lieu of the dedication in an amount equal to ten percent (10%) of the value of the land prior to subdivision.”* There is no issue with this proposal as the applicant is not proposing to subdivide the property.

Planning Commission comments from previous meeting on 7/1/08:

- Mr. Bertaux:** *Supported Mr. Thompson’s staff report in favor of 52 foot setback. This is a unique block: Carter Museum, the County Courthouse, the two historic homes just to the south of this property. Applicant could not hide Land Title unless someone built right in front of it. Shift density and mass to the front of the property to fit two car garage in rear and keep the two garages separated. Some of the density and mass could be built on top of the garage. Streetscape is significant. Right now believes the setback should be at 52 feet. Spread density over garages.*
- Mr. Allen:** *This block is different and therefore relief should be considered. Holding the 52 foot line was bad planning. This project should look good from all three adjacent streets. Would like to take an average of the district and move forward. If subdividing, it would be a better plan; go with it.*
- Mr. Pringle:** *Agreed with architects’ opinion that their proposed plan is better. Felt Town Council was holding out for more with the subdivision proposal which was inappropriate. Suggested going back to the subdivision proposal. Would like to see a traditional*

development pattern with two separate homes with no attachment. Respect setbacks of two historic homes on the block. Eight or ten foot deviation from the established setback would not affect the policy in a negative way. Thought the applicant should be sympathetic to the historic setback but doesn't have to be 52 feet exactly.

Ms. Girvin: *Disclosed the property is for sale and her father has the listing. Sought clarification on the land use district this property was located in. (Staff identified the district as 18-2.) Unique block and important to have larger setbacks. The people that built the historic houses to the south and the Carter Museum had respect for outdoors and wanted large yard with nature at their front door. Residential use only is short sighted and maybe commercial or live-work should be considered; or better yet keep it as open space.*

Mr. Lamb: *In a way French Street is being treated like an alley. (Staff pointed out the engineers would prefer an entrance off any street except Wellington). Look at the block verses the district for the historic setback. Liked the setback at 52 feet and noted the trees would be saved. Would be open to small compromise, but not more than a few feet.*

Mr. Schroder: *This lot is on three streets; pushing the garages together blocks view corridors from French Street. Concerned about precedent set with 52 foot setback change given to a prior application. Very much in favor of giving more leeway in regard to the setbacks. In favor of extending setback forward. Thought residential would work here.*

Mr. Khavari: *Sought clarification on whether or not this application was already before the commission. (Staff explained that the previous application was for a subdivision and this current application does not propose a subdivision. The worksession tonight is more about the historic setbacks.) Suggested staff include prior work session meeting minutes when discussing a previous application. Sought clarification regarding entrance orientation for the structure on this property. Would really like to see two separate buildings. Focus on French and Wellington Streets. Would be willing to be more flexible on setbacks if it would look better from French Street.*

Changes From the Previous Submittal

Applicant is now maintaining the established historic 52' set-back dimension with this proposal. Mr. Stowell has chosen to not subdivide the property. The proposal now is for one single family residence with an accessory apartment.

Staff Comments

Land Use (Policies 2/A & 2/R): The proposed single family residence with an accessory apartment will not conflict with the existing uses, but will conform to the desired character and function of Land Use District 18.2. Staff has no concerns with the proposed land use.

Density/Intensity (3/A & 3/R)/Mass (4/R): The proposed residence of 8,114 sq. ft. is less than the allowable density of 9,920 sq. ft. The proposed mass of 5,113 sq. ft. is less than allowable mass of 11,904 sq. ft. Hence, Staff has no concerns with density or mass.

Architectural Compatibility (5/A & 5/R): Per Policy 5/A, C., (2) A. Aboveground Density in the Historic District: *Within the east side residential, north end residential, and the North Main Street residential character areas, a maximum of 9.0 units per acre for aboveground density for new construction*

is allowed, except for those developments described in subsection C(2)B of this policy. Projects within such areas which contain 9.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy. The allowable aboveground density on this lot is 4,464 sq. ft. (9UPA x .31 acre x 1,600 = 4,464 sq. ft.). The applicant proposal of 4,428 sq. ft. is less than 9 UPA.

Within the historic district, compatibility of a proposed project with the surrounding area and the district as a whole is of the highest priority. This section of the Code did raise some interesting questions for Staff related to Priority Policy 145 from the Handbook of Design Standards For The Historic And Conservation Districts, which states *maintain the present balance of building materials found in the Character Area*. Policy 145 goes on to state: *use painted wood lap siding as the primary building material. An exposed lap dimension of approximately 4 inches in appropriate. This helps establish a sense of scale for buildings similar to that found historically. Logs are discouraged. Rough-sawn, stained or unfinished siding materials are inappropriate on primary structures.*

Mr. Stowell is proposing two modules that are reminiscent of the Settlement Phase (1860-1870) and the Camp Phase (1870-1881). During the Settlement Phase *settlers built simple log cabins, cut from nearby timber. Only limited amounts of manufactured building materials were imported. The Camp Phase occurred when the settlement populations grew larger and more substantial mineral deposits were discovered. The increased population and prosperity could support a more substantial building industry and an intense building cycle occurred. Sawmills were set up and the first frame buildings appeared. These used horizontal lap siding as the predominant building material. Double-hung windows were used on residential structures. An example of residential building from the Camp Phase is the Carter Museum (1875) located at 111 North Ridge Street. Hand-hewn logs are the primary building material. The porch is a later improvement.*

Utilitarian structures of vernacular character, such as barns, wood sheds and stables, are also found from the Camp and Town Phases. These buildings appeared after the “parent” residences were established and served to house supplies, equipment and livestock. Many were of log construction; others were rough-sawn or unfinished milled lumber. Many examples survive throughout the historic district.

Character of historic development

Buildings in this area are representative of several development eras, including the early Settlement and Camp Phase log cabins (such as the Carter Museum) and clapboard sided houses from the Town Phase.

The angled street grid layout has influenced the character of this area also: Because Ridge and French Streets converge at the northern end of this area, the block north of Wellington between Ridge and French is only one lot deep. The result is that the primary structures in this block face onto Ridge, while the back sides of these buildings face onto French Street. This configuration gives the appearance more like that of an alley than a traditional street.

Building Materials

The historic district should be perceived as a collection of wooden structures. A strong uniformity in building materials is seen in the area. Most structures, both historic and more contemporary, have horizontal lap siding. This material is usually painted. A few historic log buildings serve as accents to the lap siding standard. This uniformity of materials should be respected.

Priority Policy 145. Maintain the present balance of building materials found in the Character Area.

- *Use painted wood lap siding as the primary building material. An exposed lap dimension of approximately 4 inches is appropriate. This helps establish a sense of scale for buildings similar to that found historically.*
- *Contemporary interpretations of historically-compatible materials are discouraged. Wood imitation products are discouraged as primary façade materials because they often fail to age well in the Breckenridge climate. The long term durability of siding materials will be considered.*
- *Logs are discouraged.*
- *Rough-sawn, stained or unfinished siding materials are inappropriate on primary structures.*

Staff has struggled with this priority policy as it relates to this project. The Handbook of Design Standards for the Historic District seems to contradict itself related to this issue. Policy 145 discourages the use of logs. However, on Page 1 of the North End Residential Character Area under the heading of Character of historic development states, “*Buildings in this area are representative of several development eras, including the early Settlement and **Camp Phase log cabins (such as the Carter Museum)** and clapboard sided houses from the Town Phase.*”

*Utilitarian structures of vernacular character, such as barns, wood sheds and stables, are also found from the Camp and Town Phases. These buildings appeared after the “parent” residences were established and served to house supplies, equipment and livestock. **Many were of log construction; others were rough-sawn or unfinished milled lumber.** Many examples survive throughout the historic district.*

One way to look at this project would be that the larger south module is the “parent” house the smaller north module could be viewed as a secondary outbuilding. Perhaps if viewed in this light the vertical reclaimed barn wood appearance could be approved for the north module. Staff asks to the Planning Commission if they believe Policy 145 is applicable to this proposal. Taking into consideration the discussion above and the location of the project adjacent to the Carter Museum perhaps a log cabin appearance and a barn like appearance is appropriate for this application. Staff request the Planning Commission weigh in on this discussion.

Building Scale

Policy:

Historically, residential structures in the area were one or one-and-a-half stories in height. New buildings encourage a sense of pedestrian scale for the area as well as reinforce the historic building scale. The scale of the building should also be in proportion to typical lot sizes. Historic buildings that survive range between 700 and 2,900 square feet. The average size is 1,500 square feet.

Design Standards:

Priority Policy 138. New buildings should be in scale with existing historic and supporting buildings in the North End.

- *Development densities of less than nine units per acre are recommended.*
- *Locating some building area below grade to minimize the mass of structures is encouraged.*
- *Locate larger masses back from public view.*
- *Use landscaping, especially large trees, to screen larger building masses.*

The proposed north module is 1,040 sq. ft. and the south module is 1,522 sq. ft. Both modules are around the average size of 1,500 sq. ft. The entire project does not exceed 9 UPA. Nearly half (3,625 sq. ft.) of this project is proposed below grade. The larger masses are located near the middle of the lot, back from

public view. The existing trees along with proposed landscaping will screen larger building masses. Staff believes the applicant has done a good job breaking up the building scale and putting much of it below grade.

Priority Policy 141. *Use roof forms that reflect the angle, scale, and proportion of those of historic buildings in the North End Character Area.*

- *The roof shape has a large impact on the character of a structure.*
- *Those styles which were popular in the 19th century and are still in use today, such as high gable, high hip and shed are appropriate.*
- *Gable roofs should have a slope similar to those used historically.*
- *Note that many gable roofs were accented with dormers, but the dormers were used in limited numbers on individual buildings.*

A pitched roof of 12:12 or 10:12 is what we typically saw historically in Breckenridge. However, the historic houses immediately adjacent to this proposed residence have less steep roofs. The Carter Museum and the two historic houses to the south of the proposed residence on Ridge Street appear to have primary roofs angled near the 8:12 pitch, which the applicant has proposed on the south module. The two main roof forms are proposed at different roof pitches which, helps the two modules to look more like two separate houses.

Staff would also recommend a steeper roof pitch on the garage facing French Street. Steeply-pitched roofs are the predominant historic roof type because they serve well to shed snow in this high snow-fall community. We believe that a 4:12 pitch is too shallow for a garage in the historic district, and believe that this element of the design could be altered to better meet the goals of Policy 141. Does the Commission agree?

Building Height (6/A & 6/R): *The maximum allowed height for structures shall be as follows:*

A. *Within the Historic District:*

- (1.) *Building height measurement shall be to the highest point of a flat or mansard roof or to the mean elevation of a sloped roof.*
- (2.) *Maximum building height for all non-residential, Multi-Family, Duplex and Single-Family Structures:*

(i) In land use districts 11, 17 and 18, and in those portions of land use districts 18.2 and 19 north of Lincoln Avenue or south of Washington Street, building height shall not exceed twenty-six feet (26').

(ii) In those portions of land use districts 18.2 and 19 that lie between Lincoln Avenue and Washington Street, building height shall not exceed thirty feet (30').

A. *Within The Historic District:*

The impact of building heights within the Historic District is critical to the building's compatibility with the Historic District Guidelines and neighboring existing historic structures. In most instances the taller a building is, the greater its impact will be on adjacent buildings and the District in general. The Town desires to keep negative impacts to a minimum and has established the following policies aimed at controlling the height of new construction within the Historic District:

1 X (0/-3) (1.) In Land Use Districts 11, 17 and 18, and those portions of 18-2 and 19, which lie north of Lincoln Avenue or south of Washington Street, a maximum height of twenty-three feet (23') is strongly encouraged. For buildings with heights greater than twenty-three feet (23'), points shall be deducted based on the following table:

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

Per the Historic District guidelines Priority Policy 142 – **Building height should be similar to nearby historic buildings.**

- *Primary facades should be 1 or 1 and ½ stories tall. (Some 2-story portions may be considered if they are set back from the street.)*
- *Refer to height limits in ordinance. (Note that the height limits are absolute maximums and do not imply that all buildings should reach these limits. In some blocks, lower buildings will be more compatible with the context.)*

The applicant has kept the roof height as measured to the mean below 23' (22' – 11 ¾"). However, the modules do appear to be two-stories. The two-story modules are setback from the street near the middle of the lot. Staff requests the Planning Commission give some input into whether the proposed two-story elements are acceptable in this proposal.

Site and Environmental Design (7/R): Staff believes the proposed compact site plan does minimize site surface disruption. The large yard with the 52' setback helps the project develop in a visually cohesive manner while providing privacy for the occupants of the site and buffering to the neighboring properties as well. Staff does believe that adding one or two spruce trees to the property in between the connector element and French Street, and at least one spruce tree to the Ridge Street side of the project, would help to buffer the residence from French Street and Ridge Street as well as hide the connector element so the project looks more like two separate structures. Does the Planning Commission agree?

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

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

The applicant is well within the front yard setback at 52', side yard setbacks are met at 5', and the rear setback of 17' to the house and 20' to the garage doors is met.

Per the Historic District guidelines:

Building Setbacks

Most buildings in the area have front and side yards, although many yard depths have been altered as a result of widening the street. More yards should be established in this area as new construction occurs and no new buildings should be located closer to the street than the typical setback line for the block.

Priority Policy 134. Provide substantial front and side yards.

- *This is a very important standard.*

- *Align building fronts with other historic buildings in the area.*
- *The North End area setbacks occur as front and side yards rather than extensive hard-surface areas.*
- *Setbacks shall be reviewed on an individual basis. New buildings in these areas should be set back in line with traditional house types.*

This was a major part of the worksession discussion. Mr. Stowell has revised his site plan to respect the historic 52' setback. This was a positive change to the proposal related to an important historic standard. Staff has no concerns with the placement of the structures.

Snow Removal And Storage (13/R): Staff believes the snow storage proposed is functional and sufficient (25% of the paved driveway) for this project. Staff has no concerns with snow removal and storage.

Parking (18/A & 18/R): Applicant is required to have two parking spaces for the primary residence and one parking space for the accessory apartment. There are two parking spaces inside the garage and one surface parking spot for the accessory apartment.

Landscaping (22/A & 22/R): It is the intent of this Policy to provide buffers between a residence, its neighbors, and adjacent streets. Staff believes that adding one or two spruce trees to the property in between the connector element and French Street would help to buffer the residence from French Street and hide the connector element so the project looks more like two separate structures. Adding one spruce tree to the Ridge Street side of the project would help to buffer the property from below. Staff did notice two trees on the property have been hit by mountain pine beetle. One of the two trees is proposed to come out due to the footprint of the residence and one would have remained but will need to be removed now. Adding a few spruce trees would help to offset the loss of lodgepole pines infested with mountain pine beetle.

Energy Conservation (33/R): *Renewable Sources of Energy: The implementation and operation of systems or devices which provide an effective means of renewable energy are encouraged. The provision of solar space heating and solar hot water heating, as well as other renewable sources, are strongly encouraged.* The solar consultant on this project has provided us with information that shows this will be a 6.1 kW system that would offset 75% of the electric needs of a typical single family home. Staff believes that this solar system proposed deserves at least positive three (+3) points or perhaps positive six (+6) points. Staff requests the Planning Commission weigh in on the amount of positive points, if any that are appropriate for this proposal. Does the Planning Commission agree?

Point Analysis(Section: 9-1-17-3): Staff finds no reason to warrant negative points for this application. Staff believes the proposed solar panels warrant positive three (+3) points under Policy 33/R Renewable Sources of Energy.

Staff Recommendation / Decision

Staff believes the applicant, Mr. Stowell, has made some positive changes to this proposal since the worksession meeting and is headed in the right direction. We would like to get feedback from the Commission on the following issues:

1. Does the Planning Commission support the general layout of the plan?

2. Does the Planning Commission believe that adding one or two spruce trees to the property in between the connector element and French Street, and at least one spruce tree to the Ridge Street side of the project, would help to buffer the residence from French Street and Ridge Street as well as hide the connector element so the project looks more like two separate structures?
3. Do you agree that the revision of the roof pitch of the garage would help the project to meet the intent of Policy 141?
4. Are the proposed two-story elements acceptable with this proposal? Do the two-story elements meet the intent of Priority Policy 142?
5. How does the Commission feel about the use of different materials on the north and south modules? Does this meet Policy 145?

CARTER RIDGE RESIDENCE

PROJECT SUMMARY

LOT SIZE: 13,397 SF / 0.31 ACRES 100%
 BUILDING COVERAGE: 3,828 SF 28.3%
 PORCHES: 630 SF 4.7%
 WALKWAYS/PAVING: 1,438 SF 10.7%
 TOTAL PAVING TO BE PROVIDED: 2,068 SF 15.4%
 TOTAL LOT COVERAGE: 5,496 SF 40.4%
 TOTAL OPEN SPACE: 7,901 SF 59.6%

TOTAL ALLOWED U.P.A. FOR PROJECT IS 9 U.P.A. PER CODE
 WHICH ALLOWS FOR 4,428 SF ABOVE GROUND DENSITY
 TOTAL ALLOWED MASS FOR PROJECT SITE IS 20%, WHICH IS
 6,318 SF

TOTAL ALLOWED PROJECT DENSITY 3,842 SF
 TOTAL PROPOSED ABOVE GROUND DENSITY IS 4,428 SF
 TOTAL PROPOSED MASS IS 885 SF
 TOTAL PROPOSED DENSITY IS 6,053 SF (ABOVE & BELOW)

BASEMENT, 4 BEDROOMS/BATH, 3,928 SF
 AND CARETAKER UNIT
 MAIN, MASTER SUITE/2 1/2 BATH, 2,040 SF
 OPEN FLOORPLAN/BEDROOMZ BATH, 1,438 SF
 GARAGE, 615 SF

SHADOW DENSITY - SQUARE FOOTAGE COUNTED TOWARD DENSITY
 ABOVE 14'-0" PLATE HEIGHT AT LIVING ROOM 824 SF
 TOTAL ABOVE GROUND DENSITY 4,428 SF
 TOTAL MASS 885 SF
 GROSS AREA 8,114 SF

FRONT SETBACK REQUIREMENT IS "HISTORIC" AT 52' PER THE TOWN
 OF BRECKENRIDGE HISTORIC GUIDELINES. THE PROPOSED HOME'S
 WEST BUILDING FACADE MEETS THIS REQUIREMENT.

BUILDING HEIGHT AS MEASURED TO THE MEAN OF THE RIDGE PER THE
 TOWN CODE AND HISTORIC GUIDELINES IS 23'-0" BEFORE INCURRING
 NEGATIVE POINT ASSESSMENT. THE PROPOSED HOME IS AT 22'-11 3/4"
 TO THE MAIN GABLE'S MEAN.

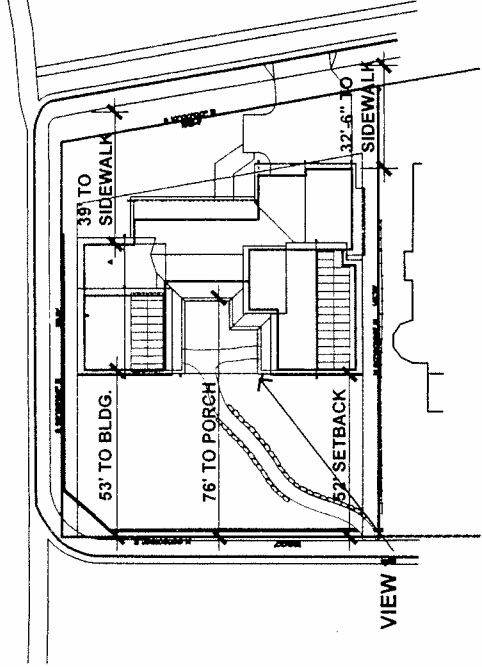
SHEET INDEX

- Sheet 1 3D PHASE VIEW 1 PROJECT SUMMARY
- Sheet 2 3D PHASE VIEW 2 PROJECT SUMMARY
- Sheet 3 OVERALL SITE LAYOUT
- Sheet 4 BUILDING ELEVATIONS
- Sheet 5 MAIN LIFTERS LEVELS
- Sheet 6 SITE PLAN, GRADING UTILITY, & DRAINAGE
- Sheet 7 LANDSCAPE PLAN, NOTES

LEGAL DESCRIPTION

LOT 3, ARBETT ADDITION,
 BRECKENRIDGE, COLORADO
 BY RECORD STRIPE

<p>PROJECT SUMMARY</p> <p>LOT SIZE: 13,397 SF / 0.31 ACRES 100% BUILDING COVERAGE: 3,828 SF 28.3% PORCHES: 630 SF 4.7% WALKWAYS/PAVING: 1,438 SF 10.7% TOTAL PAVING TO BE PROVIDED: 2,068 SF 15.4% TOTAL LOT COVERAGE: 5,496 SF 40.4% TOTAL OPEN SPACE: 7,901 SF 59.6%</p> <p>TOTAL ALLOWED U.P.A. FOR PROJECT IS 9 U.P.A. PER CODE WHICH ALLOWS FOR 4,428 SF ABOVE GROUND DENSITY TOTAL ALLOWED MASS FOR PROJECT SITE IS 20%, WHICH IS 6,318 SF</p> <p>TOTAL ALLOWED PROJECT DENSITY 3,842 SF TOTAL PROPOSED ABOVE GROUND DENSITY IS 4,428 SF TOTAL PROPOSED MASS IS 885 SF TOTAL PROPOSED DENSITY IS 6,053 SF (ABOVE & BELOW)</p> <p>BASEMENT, 4 BEDROOMS/BATH, 3,928 SF AND CARETAKER UNIT MAIN, MASTER SUITE/2 1/2 BATH, 2,040 SF OPEN FLOORPLAN/BEDROOMZ BATH, 1,438 SF GARAGE, 615 SF</p> <p>SHADOW DENSITY - SQUARE FOOTAGE COUNTED TOWARD DENSITY ABOVE 14'-0" PLATE HEIGHT AT LIVING ROOM 824 SF TOTAL ABOVE GROUND DENSITY 4,428 SF TOTAL MASS 885 SF GROSS AREA 8,114 SF</p> <p>FRONT SETBACK REQUIREMENT IS "HISTORIC" AT 52' PER THE TOWN OF BRECKENRIDGE HISTORIC GUIDELINES. THE PROPOSED HOME'S WEST BUILDING FACADE MEETS THIS REQUIREMENT.</p> <p>BUILDING HEIGHT AS MEASURED TO THE MEAN OF THE RIDGE PER THE TOWN CODE AND HISTORIC GUIDELINES IS 23'-0" BEFORE INCURRING NEGATIVE POINT ASSESSMENT. THE PROPOSED HOME IS AT 22'-11 3/4" TO THE MAIN GABLE'S MEAN.</p>	<p>SHEET INDEX</p> <ul style="list-style-type: none"> Sheet 1 3D PHASE VIEW 1 PROJECT SUMMARY Sheet 2 3D PHASE VIEW 2 PROJECT SUMMARY Sheet 3 OVERALL SITE LAYOUT Sheet 4 BUILDING ELEVATIONS Sheet 5 MAIN LIFTERS LEVELS Sheet 6 SITE PLAN, GRADING UTILITY, & DRAINAGE Sheet 7 LANDSCAPE PLAN, NOTES
--	--



PROJECT MAP, VIEW 1

SCALE: 1" = 20'-0"



PROJECT VIEW FROM RIDGE STREET, SOUTHWEST

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

bhh Partners
 P.O. BOX 817, 180 EAST MAIN ST., BRECKENRIDGE, CO 80424 (970) 458-8888
 LOT 3 ARBETT ADDITION, 214 RIDGE STREET, TOWN OF BRECKENRIDGE, COLORADO
CARTER RIDGE RESIDENCE

PREPARED BY: THODAN
 CHECKED BY: THODAN
 DRAWN BY: ADAM TAYLOR
 DESIGNED BY: ADAM TAYLOR
 DATE: 07/27/20

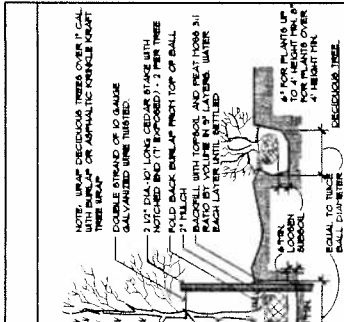
© 2009
 SHEET NUMBER
Sheet 1
 OF 8

LANDSCAPE NOTES

- PROVIDE 2" X 12" ORNO GLASS TUBES TO TOWER AND REED ALL DISTURBED AREAS WITH ASPH/FLY CO. SOFT BED FOR 14 DAYS TO ALLOW FOR ROOT GROWTH AND STABILIZATION OF SOIL.
- CONSERVATION TREE LINES AND ROOT STRUCTURE. CONSIDERATION OF TREE STABILITY AND HEIGHT OR OUTSIDE DRAIN LINE OF TREE STROKES AND TRUNKS.
- EXISTING TREES TO BE MAINTAINED AND PROTECTED. DAMAGE TO TREES FROM ALL BUILDING POSITIONS PER DISCUSS ABOVE. PROVIDE PROTECTIVE BARRIERS FOR ALL TREES TO BE MAINTAINED.
- PROVIDE 2" X 12" ORNO GLASS TUBES TO TOWER AND REED ALL DISTURBED AREAS WITH ASPH/FLY CO. SOFT BED FOR 14 DAYS TO ALLOW FOR ROOT GROWTH AND STABILIZATION OF SOIL.
- CONSERVATION TREE LINES AND ROOT STRUCTURE. CONSIDERATION OF TREE STABILITY AND HEIGHT OR OUTSIDE DRAIN LINE OF TREE STROKES AND TRUNKS.
- EXISTING TREES TO BE MAINTAINED AND PROTECTED. DAMAGE TO TREES FROM ALL BUILDING POSITIONS PER DISCUSS ABOVE. PROVIDE PROTECTIVE BARRIERS FOR ALL TREES TO BE MAINTAINED.
- PROVIDE 2" X 12" ORNO GLASS TUBES TO TOWER AND REED ALL DISTURBED AREAS WITH ASPH/FLY CO. SOFT BED FOR 14 DAYS TO ALLOW FOR ROOT GROWTH AND STABILIZATION OF SOIL.
- CONSERVATION TREE LINES AND ROOT STRUCTURE. CONSIDERATION OF TREE STABILITY AND HEIGHT OR OUTSIDE DRAIN LINE OF TREE STROKES AND TRUNKS.
- EXISTING TREES TO BE MAINTAINED AND PROTECTED. DAMAGE TO TREES FROM ALL BUILDING POSITIONS PER DISCUSS ABOVE. PROVIDE PROTECTIVE BARRIERS FOR ALL TREES TO BE MAINTAINED.
- PROVIDE 2" X 12" ORNO GLASS TUBES TO TOWER AND REED ALL DISTURBED AREAS WITH ASPH/FLY CO. SOFT BED FOR 14 DAYS TO ALLOW FOR ROOT GROWTH AND STABILIZATION OF SOIL.
- CONSERVATION TREE LINES AND ROOT STRUCTURE. CONSIDERATION OF TREE STABILITY AND HEIGHT OR OUTSIDE DRAIN LINE OF TREE STROKES AND TRUNKS.
- EXISTING TREES TO BE MAINTAINED AND PROTECTED. DAMAGE TO TREES FROM ALL BUILDING POSITIONS PER DISCUSS ABOVE. PROVIDE PROTECTIVE BARRIERS FOR ALL TREES TO BE MAINTAINED.
- PROVIDE 2" X 12" ORNO GLASS TUBES TO TOWER AND REED ALL DISTURBED AREAS WITH ASPH/FLY CO. SOFT BED FOR 14 DAYS TO ALLOW FOR ROOT GROWTH AND STABILIZATION OF SOIL.
- CONSERVATION TREE LINES AND ROOT STRUCTURE. CONSIDERATION OF TREE STABILITY AND HEIGHT OR OUTSIDE DRAIN LINE OF TREE STROKES AND TRUNKS.
- EXISTING TREES TO BE MAINTAINED AND PROTECTED. DAMAGE TO TREES FROM ALL BUILDING POSITIONS PER DISCUSS ABOVE. PROVIDE PROTECTIVE BARRIERS FOR ALL TREES TO BE MAINTAINED.

PLANTING LIST & NOTES

PER	CODITION	BOTANICAL	NO	SIZE
EXISTING TREES	VARIES	VARIES	VARIES	VARIES
NEEDS TO BE	VARIES	VARIES	VARIES	VARIES
LANDSCAPE SPECIES	VARIES	VARIES	VARIES	VARIES
VARIES	VARIES	VARIES	VARIES	VARIES
POTENTIAL	VARIES	VARIES	VARIES	VARIES
ALICE CRANIT	VARIES	VARIES	VARIES	VARIES
ZYGOCARPUS	VARIES	VARIES	VARIES	VARIES
VARIES	VARIES	VARIES	VARIES	VARIES
VARIES	VARIES	VARIES	VARIES	VARIES
VARIES	VARIES	VARIES	VARIES	VARIES



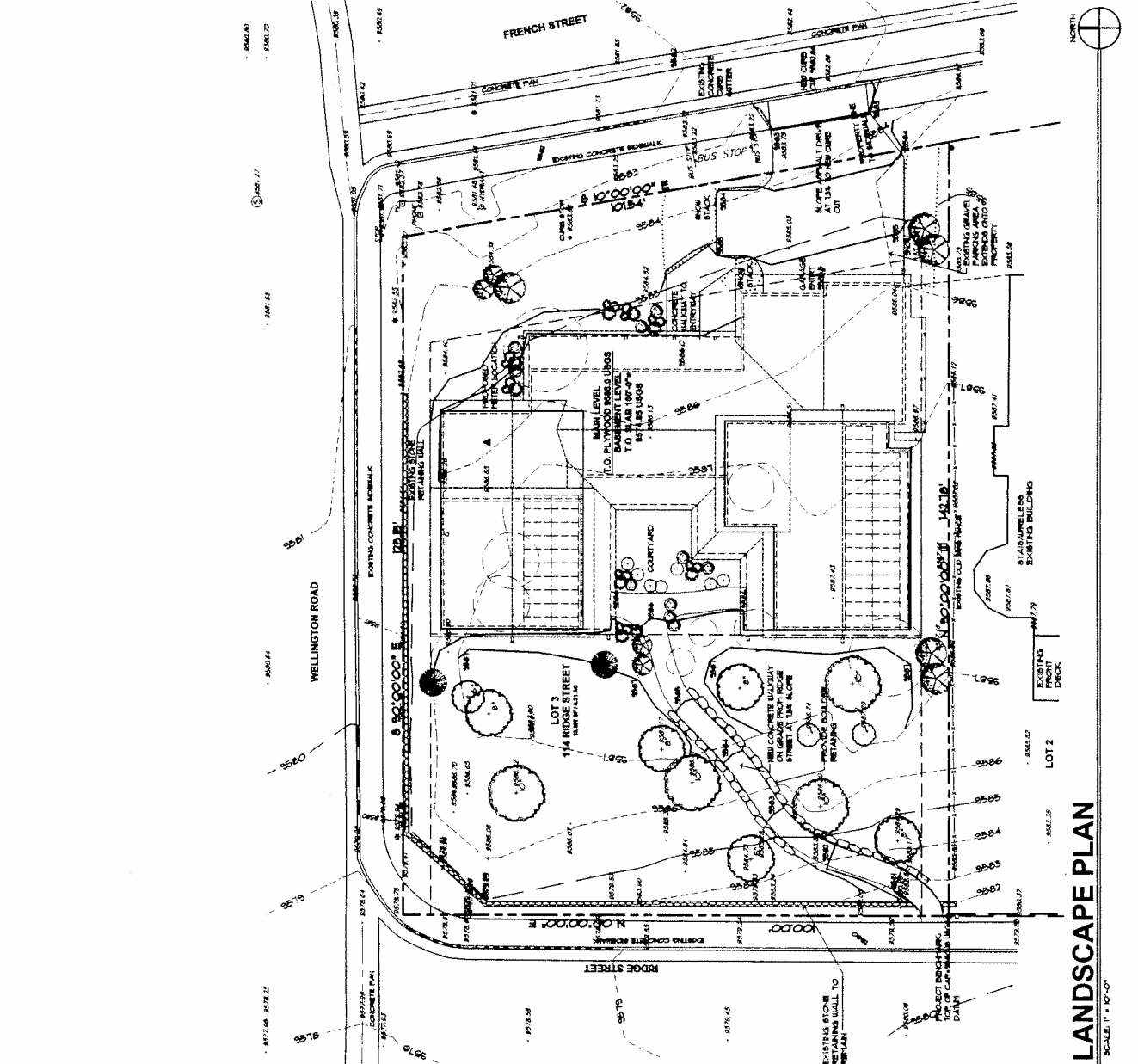
LOT 3 BREKENRIDGE QUARTY RESIDENCE
2722209

bh Partners

Sheet 9
OF 9

PROJECT NO. 100321
DATE 07/23/2019
DRAWN BY ADAMIAN
CHECKED BY MICOLAN

LOT 3 BREKENRIDGE QUARTY RESIDENCE
2722209



LANDSCAPE PLAN
SCALE: 1" = 10'-0"

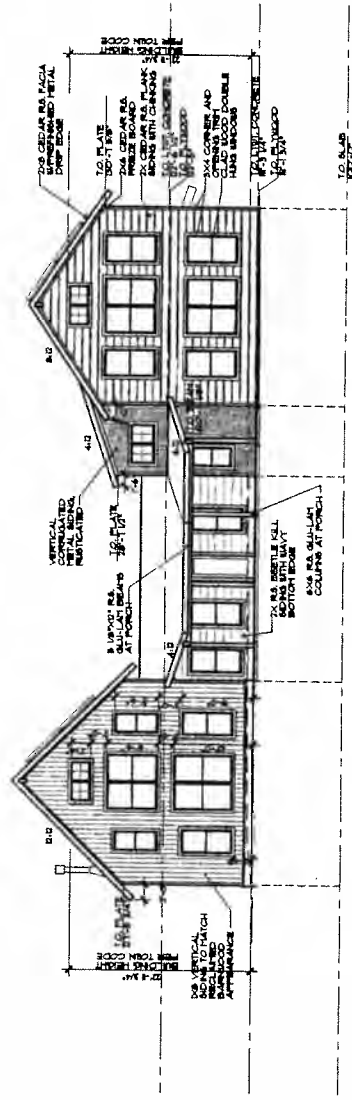
PROJECT NO. 2018-001
 CLIENT: CARTER RIDGE APARTMENTS
 DRAWN BY: J. HANSEN
 CHECKED BY: T. HANSEN
 DATE: 10/15/18
 SCALE: 1/8" = 1'-0"

PROJECT INFORMATION
 PROJECT NO. 2018-001
 CLIENT: CARTER RIDGE APARTMENTS
 DRAWN BY: J. HANSEN
 CHECKED BY: T. HANSEN
 DATE: 10/15/18
 SCALE: 1/8" = 1'-0"

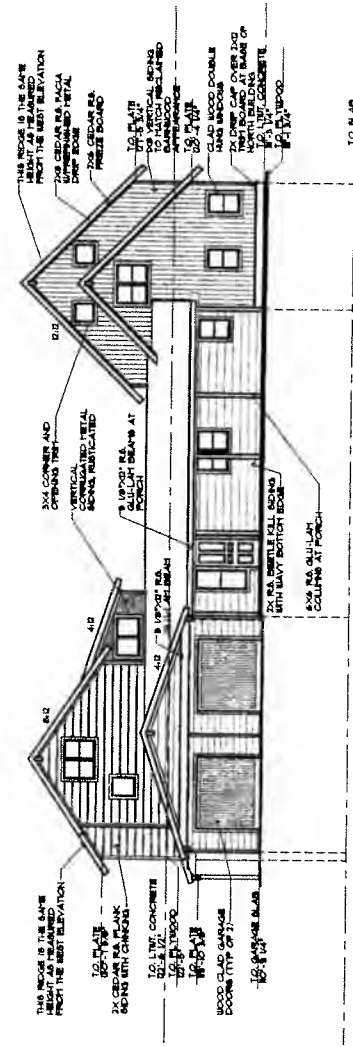
PROJECT LOCATION
 LOT 3 ARETTI ADDITION, 214 RIDGE STREET, TOWN OF BRECKENRIDGE, COLORADO
 BRECKENRIDGE, CO 80424 (970) 454-4488

ARCHITECT
 bhh Partners
 180 EAST ROMA

SHEET NUMBER: **Sheet 4**
 OF 9



FACING RIDGE STREET / WEST ELEVATION
 SCALE: 1/8" = 1'-0"



FACING FRENCH STREET / EAST ELEVATION
 SCALE: 1/8" = 1'-0"

REVISIONS

DATE: 02/17/14
 DRAWN BY: ASANTHAN
 CHECKED BY: THOMAS

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

DATE: 02/17/14
 DRAWN BY: ASANTHAN
 CHECKED BY: THOMAS

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

bhh Partners

LOT 3 ARBETT ADDITION, 214 RIDGE STREET, TOWN OF BRECKENRIDGE, COLORADO

CARTER RIDGE RESIDENCE

1299 CO. RD. 201, BRECKENRIDGE, CO 80424 (703) 433-6440

© 2009

PROJECT NUMBER: 11/14

DATE: 02/17/14

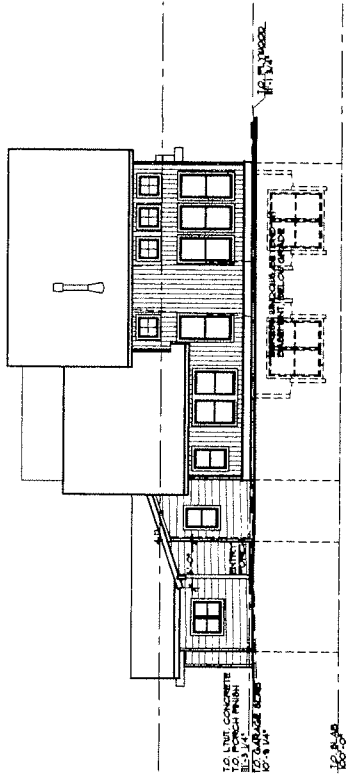
DRAWN BY: ASANTHAN

CHECKED BY: THOMAS

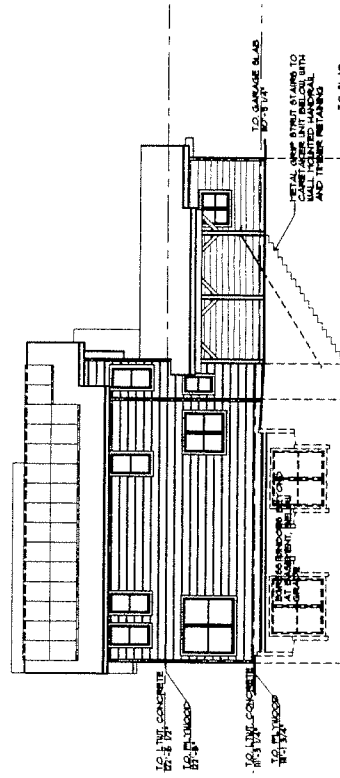
SHEET NUMBER: 5

Sheet 5

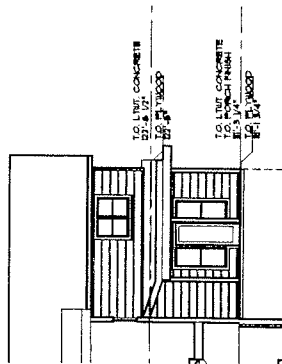
OF 9



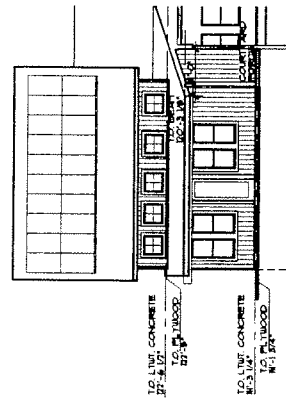
FACING WELLINGTON / NORTH ELEVATION
 SCALE: 1/4" = 1'-0"



FACING STAIS BLDG. / SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



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



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

Planning Commission Staff Report

Project Manager: Michael Mosher

Date: August 24, 2009 (For Meeting of September 1, 2009)

Subject: Dabl House Shed, Solar Panels and Fence,
(Class B Historic, Preliminary Hearing: PC#2009036)

Owner/Applicant: Dabl Development, Inc., Lee Edwards

Agent: Lee Edwards, Dry Rot Construction, Michael Shult, Architect

Proposal: To construct a new shed, with full basement, at the rear of Lot 6, Block 3 of the Abbetts Addition. This shed will function as storage for the commercial use of the property. A small matching fence is to be added at the northwest corner of the shed connecting to existing fence along the north property line. The materials (vertical board and batten siding with rust color rolled metal roof) and form of the shed are similar to other historic sheds in the Historic District.

An array of 12 photovoltaic solar panels is proposed on the main building. Five are proposed on the historic (front) portion and seven on the non-historic addition.

Address: 108 North French Street

Legal Description: Lot 6, Block 3, Abbetts Addition

Site Area: .07Acres (3,058.32 Square Feet)

Land Use District: 18.2 – Residential and Commercial Uses – 20 UPA and 1:1 FAR

Historic District: (1) East Side Residential Character Area

Site Conditions: The site is approximately 0.07 acres and is located on the east side of French Street. The property slopes slightly to the east (towards the alley), and contains an 1890 historic structure with a 1998 addition with full basement beneath both buildings. The back yard development area is currently being used as unscreened outdoor construction/machinery storage. The Snow Stack Easement on the Dabl House property near the drive-through lane at the neighboring bank has been removed at the rear of the property with a “Second Amendment to Easement Agreement (reception number 676016). With this modification to the easement and agreement the applicant is granted access to the property past the existing four parking spaces on the bank lot.

Adjacent Uses:

North:	Craig Residence
South:	Bank of the West
East:	Longbranch Condos
West:	Stais Architects Building

Density/Mass:

Allowed:	3,058 Square Feet
Existing:	1,322 Square Feet
Proposed:	672 Square Feet

	Total:	1,994 Square Feet	
9 UPA:	Recommended:	1,011 Square Feet	
	Existing:	705 Square Feet	
	Proposed (+224):	929 Square Feet (8.3 UPA)	
Height:	Recommended:	23'-0" (mean) – measured from existing grade	
	Historic House:	13'-0" (mean); 16'-0" (overall)	
	1998 addition:	14'-0" (mean); 17'-0" (overall)	
	Proposed:	14'-0" (mean); 17'-6" (overall)	
Lot Coverage:	Buildings:	1,059 Square Feet	(34.6% of the site)
	Hard surface:	100 Square Feet	(3.3% of the site)
	Open Space:	2,049 Square Feet	(62.1% of the site)
Parking:	Required:	5 Spaces	(1,616/400 = 4.27)
	Provided:	4 Spaces	Parking Agreement w/adjacent property owners
		<u>1 on-site</u>	(See discussion below)
	Total:	5 Spaces	
Setbacks:	North: 2'	South: 5'	
	East: 11'	West: 98'	

Item History

The original residence was constructed in 1890 (Miar’s House) and has been designated as a Contributing Structure to the Town’s Historic District. The building reflects the simple vernacular wood frame architecture of the town—steep roof (12/12 pitch), simple rectangular shape, 4” reveal lap siding, and narrow double hung windows. (Most notable is the absence of any architectural features and ornamentation). The residence has been altered over the years into its current configuration. In 1979, a 90 square foot addition was constructed on the rear of the residence, and a porch was added over the entryway (PC#79-5-17). The most recent modification was the addition of the basement and an addition to the rear of the historic building with an exterior remodel, (PC#1998051).

A previous application for a shed addition was withdrawn and that application has since expired. This is a new application for the same property.

Staff Comments

Land Use Guidelines (2/A & 2/R): This site is located in Land Use District 18.2 that allows for both commercial and residential uses. Staff finds that the addition of the shed and the current commercial use to be compatible with the surrounding mixed uses in the area.

Density/Intensity & Mass (3/A, 3/R & 4/R), 9UPA: The total commercial density and mass allowed on this site is 3,058 square feet. (This LUD allows a 1:1 FAR for commercial use.) No additional mass bonus for commercial uses.) With the addition of the proposed shed, the project total of 1,994 square feet is under both density and mass.

In addition, this project is located in the East Side Residential Character Area with a recommended 9 UPA of above ground density. For this development, a maximum of 1,011 square feet is recommended.

The proposed project totals 929 square feet of above ground density, or 8.3 UPA, and is below the recommended maximum.

Architectural Compatibility/Historic District Standards (5/A & 5/R): Per the Design Standards for the Historic District Character Area #1:

“Each residential site included a collection of secondary structures that housed supporting functions. Storage sheds, barns, outhouses and stables were typical outbuildings. Many were located at the back of properties, some on alleys. These outbuildings were a smaller scale, made of unpainted wood, usually “barnwood” siding. Most had metal roofs.”

Also: *“Smaller outbuildings located to the rear of the main house are seen on many lots. The scale of the primary structure is established by contrast with these smaller structures. The supporting structures are important features of the historic districts and contribute to the sense of historic character.”*

The shed is proposed at the back of the property and is detached from the primary structure. The drawings indicate “reclaimed board and batten” siding, the old wooden siding from remodeled Fatty’s Pizzeria, is to be used. The roof pitch is 10:12 and the form is a simple rectangle. The gable shed roof and the shed roof over the stair is noted as a “self-rusting corrugated” metal.

An external grip-strut stair accesses the lower level of the shed. The walls of the stairwell are proposed as plank-textured exposed concrete. The shed roof over the stairwell is at a 4:12 slope. There is a wood-faced roll-up access door on the south elevation.

Staff notes that a non-historic window, removed from the historic main house during its renovation, is to be installed in the proposed shed. Though its form and material (stained glass) is not historic, we find the adaptive re-use of this window to not detract from the overall historic qualities of the site. The drawings show a pair of double hung windows on the west elevation. The windows are rectangular and vertically orientated.

Mass/Size:

Priority Policy 86. Design new buildings to be similar in mass with the historic character area context.

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

The proposed shed is smaller in scale and mass than the primary structure. Staff welcomes any comment on the proposed shed as it relates to the historic standards and Policy 5 of the Development Code.

Solar Panels: The application of solar panels to historic structures is a relative new portion of the Development Code. Per this portion of Absolute Policy 5:

E. Solar Panels and Solar Devices

(1) Within the Conservation District: The preservation of the character of the Conservation District and the historic structures and sites within the Conservation District are of the utmost importance. The Town encourages the installation of solar panels and solar devices as an alternative energy source. However, there may be instances where solar panels or solar devices are not appropriate on a particular building or site if such a device is determined to be detrimental to the character of the Conservation District.

To ensure that the character of the Conservation District and its historic structures and sites are protected, an application for a development permit to install a solar panel or solar device within the Conservation District will be reviewed under the following requirements:

(a) Solar panels or other solar devices on roofs shall be placed on a non-character defining roofline of a non-primary elevation (not readily visible from public streets). Solar panels and solar devices shall be setback from the edge of a flat roof to minimize visibility and may be set at a pitch and elevated if not highly visible from public streets. On all other roof types, solar panels and solar devices shall be located so as not to alter a historic roofline or character defining features such as dormers or chimneys. All solar panels and solar devices shall run parallel the original roofline and shall not exceed nine inches (9") above the roofline.

Applications for new structures within the Conservation District are encouraged to include building integrated solar panels and other solar devices into the initial design, including a similar roof color, rather than as a later addition. Solar panels and solar devices which contrast with the color of the roof of new or historic structures are inappropriate if found to be detrimental to the character of the Conservation District.

(b) Detached arrays of solar panels and solar devices at a historic site may be located in the rear or side yard if the arrays are not highly visible from the public streets and do not detract from other major character defining aspects of the site. The location of detached solar arrays shall also consider visibility from adjacent properties, which shall be reduced to the extent possible while still maintaining solar access.

(b) Solar panels and solar devices shall run closely parallel to the roofline and shall not exceed nine inches (9") above the roofline. New structures are encouraged to include building integrated solar panels and solar devices into the initial design, rather than as a later addition.

The plans indicate that the proposed solar panels are to be placed on the south facing roof at the back 1/3 of the primary historic structure and its newer addition to the east. We ask the Commission if they believe the proposed solar panels are placed on a “non-character defining roofline of a non-primary elevation (not readily visible from public streets)”?

The color of the proposed solar panels is the classic dark blue-black. The existing roof material on the historic house and the addition are a gray-colored standing-seam metal. The panels will be darker than the gray roof and will be slightly contrasting. Does the Commission believe the panels are set back enough and are compatible in color to the roof?

Skylights:

Per Priority Policy 69 of the historic standards, flush mounted skylights may be considered if they are not visible from the street. The two flush mounted fixed skylights are proposed on the west facing slope of the shed behind the main structure and would not be visible from the street. Staff has no concerns.

Building Height (6/A &6/R): As mentioned above the site slopes down towards the east slightly. Building height is measured from existing or proposed grade (whichever is greater) to the mean of the roof. The existing main building measures 13'-0" to the mean and 16'-0" overall at the west (highest point). The mean elevation of the shed is 14 feet above grade while the overall height is 17'-6". With the

site sloping down, the ridge heights (U.S.G.S.) show that the overall height of the shed is 2.38' higher than the historic house.

In the past, additions to historic structures have been allowed to be taller as long as they were set back from the primary façade. However, Staff has no record of newly constructed sheds being taller than the historic structures. The proposed shed has been placed at the back of the property and is *detached* from the primary structure. Thus, it does not qualify as an addition to a historic structure and is not subject to those Priority Policies and Design Standards related specifically to additions. We welcome any comments.

Placement of Structures (9/A & 9/R): Per the absolute portion of this policy:

B. Zero Setback: No portion of any structure including overhangs and projections shall be placed closer than one foot (1') to an adjacent property, except that commercial, office, industrial, or other similar developments may be allowed to be built at the property line in Land Use Districts 11, 18.2, and 19. (Ord. 19, Series 1988)

The shed meets all absolute setbacks. However, Priority Policy 114 of the Design Standards for the Historic District Character Area #1: East Site Residential, states “*Maintain the typical setback of buildings along the block.*” Additionally, *The East Side Residential Character Area setbacks occur as front and side yards.*

Since the Priority Policy of the Character Area (an absolute under Policy 5/A) conflicts with Absolute Policy 9, staff approached this with the most restrictive application of the two policies. (As an option, there may be a date in the future where this building may change back to a residential use.)

Checking with the Building Department regarding any “*violation of the Building Code*” for this proposal, Staff found that the current use of the property as commercial mandates a minimum setback greater than five feet for no added fire protections in the structure and, if less than five feet, a one hour fire rating with no openings permitted in the structure. The applicant has indicated that the wall of the shed along the north property line will be of one-hour construction and will have no openings.

Staff believes that the drawings meet the intent of Priority Policy 114 of the Design Standards for the Historic District Character Area #1: East Site Residential for providing side yards and complies with the Absolute Policy regarding commercial setbacks. Does the Commission concur?

Storage (14/A & 14/R): Per the absolute portion of this policy:

Screening: All types of commercial storage must be screened in an aesthetic manner from public view and from the view of surrounding areas. This shall include the screening of materials and equipment used by the business.

The back of this site currently has unscreened construction equipment and stacks of construction materials (see attached photo) and is in violation of this portion of the Code. The construction of the shed should clean up all on-site storage materials in a manner compliant with this section the Code. If the shed is approved, this should remedy the storage violations. If not, the storage needs to be properly screened to meet this provision of the code under a separate Class D application.

Parking (18/A and 18/R): As a result of the added density associated with the shed, an additional parking space is needed. Four spaces currently exist via an agreement with the neighboring bank

property. This subject property lies outside the Parking Service Area, so all required parking is to be provided on site (or in this case, some are provided with an agreement).

The applicant has obtained an off-site employee parking permit (under Dry-Rot Construction), though it is not needed at this time, as the current density and parking is provided by an agreement with the bank. The parking needs for the development and use for this property will need to run with the land, not the tenant. The drawings show one parking space at the rear of the lot.

In 1998, Community First Bank (neighboring property) granted DL Development, Inc (applicant) four (4) non-exclusive parking spaces on the bank property in exchange for allowing the bank to stack snow at the back of the applicant's property. The applicant was also to be responsible the landscaping and appearance of the area along shared property lines.

The bank has since heated their drive-through and four parking spots along this edge of the properties. In 2002, the Easement Agreement was amended to remove the snow stacking easement on the applicant's property. As part of this agreement, the "Grantee (*the applicant*) shall, at all times, have full access to the rear of the Grantee's property".

Per the Chapter 3, Off-Street Parking Regulations of the Town Code:

9-3-9: Design Standards for Off-Street Parking Facilities:

D. Ingress and Egress: The ingress and egress provisions for off street parking spaces shall conform to the following standards:

5. Accessibility: All off street parking stalls shall have legal, unobstructed access to a public street or alleyway.

H. Location: The location of all required off-street parking facilities shall be as follows:

3. Parking Space Location: No parking space shall be located closer than five feet (5') from any public street, public alley, public pedestrian way or public right of way.

9-3-10: Maintenance of Off-Street Parking Facilities:

A. It shall be the responsibility of the owner to maintain the off-street parking facility in a state of good repair and in an unobstructed condition so as to assure that all required off-street parking spaces are available for use on a daily basis. This shall include the facility as a whole and each of its component parts including surfacing, drainage, signs, striping, lights and landscaping.

9-3-11: Use Restrictions For Off-Street Parking Facilities:

A. Off-street parking spaces required by this chapter shall be used for the parking of operable passenger vehicles of residents, customers, patrons, and employees only, and shall not be used as parking for vehicles which are being used as a residence, for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. The parking requirements for such excluded vehicles shall be determined according to the provisions of this chapter relating to special reviews.

C. Required Off-street parking spaces shall not be used for the parking or storage of trailers, boats, detached campers, snowmobiles, disabled or inoperable vehicles or other types of vehicles or objects that render the parking space unusable for the parking of a motor vehicle.

The applicant has, via the agreement, full access to the rear of the property. Speaking with the Town Attorney, this does not disallow accessing the property for parking purposes. However, Staff concern is that, with existing and required parking for the bank property blocking this access, it does not meet: 9-3-9: Design Standards for Off-Street Parking Facilities: Section D., 5. Accessibility; or 9-3-10: Maintenance of Off-Street Parking Facilities: Section A.

Prior to issuance of a Building Permit, we would like to see these issues resolved with the neighboring property and have the development meet the parking requirements. Staff will add this as a Condition of Approval upon the final hearing.

The submitted plans show two paving strips for the parking space. Per the parking Ordinance, parking should be placed 5-feet off the property line that abuts “*any public street, public alley, public pedestrian way or public right of way*”. There have been instances where this requirement was waived under special circumstances. The Klack “alley” is not used for pedestrian or vehicular access. Would the Commission support a waiver to this requirement in this case?

Landscaping (22/A &22/R): The drawings indicate (as keyed on the drawings):

- A – 5 Aspen – 2 @ 8-10 feet tall and 3 at 4-6 feet tall
- B – 5 Aspen - 3 @ 8-10 feet tall and 2 at 4-6 feet tall
- C – 3 Aspen – 1 @ 8-10 feet tall and 2 at 4-6 feet tall
- D - 2 Aspen – 2 @ 3-4 feet tall

Staff has no concerns with the size and type of proposed plantings. However, we have received a letter from the adjoining neighbor (to the north and copy included in the packet) regarding the proposed plantings between their properties and the potential negative impacts. Specifically, the neighbor has expressed concerns about the loss of natural light to the house in the location selected and potential impacts to the underground utilities in this location. According to the letter, there was damage to utilities when the fence was placed between the properties.

Drainage (27/A and 27/R): A dry well is proposed at the base of the external stair. Other details regarding the drainage impacts of the shed placement are not indicated on the drawings. Staff will have additional information at the next hearing.

Fences, Gates and Gateway Entrance Monuments (47/A): Per this section of the Code: *B. Within the Conservation District: Fences within the Conservation District shall be reviewed under the criteria of the “Handbook of Design Standards for the Historic and Conservation District”.*

The proposed fence, located at the northwest corner of the shed and connects perpendicularly to the existing fence to the north, is to match the existing 6-foot tall fence. The existing fence is about 6 feet tall and does not conform to the Historic Standards which recommends three-foot tall fences. We welcome any Commission Comment.

Staff Recommendation

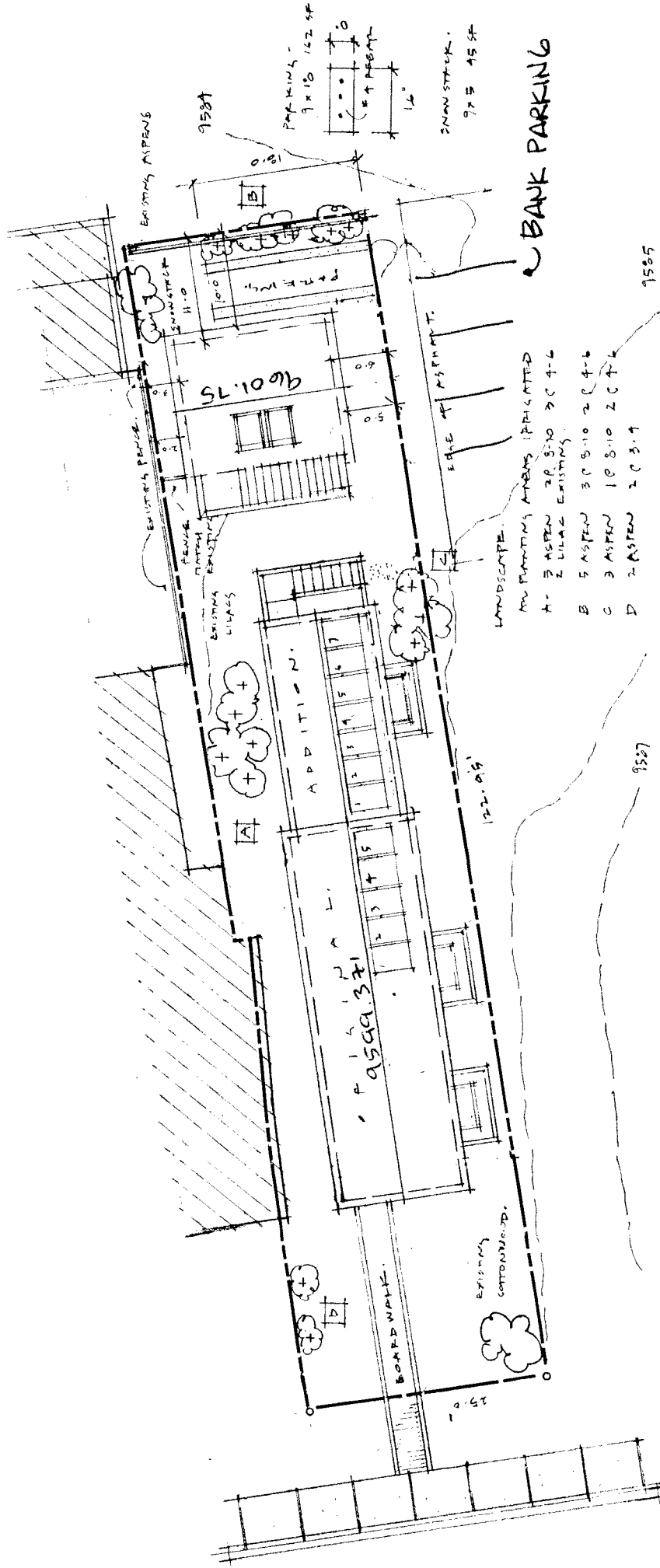
This initial review identifies some key issues that need resolution before the next hearing. In addition, Staff seeks Commissioner comment on the following:

1. Does the Commission believe the proposed solar panels are placed on a “non-character defining roofline of a non-primary elevation (not readily visible from public streets)”?
2. Staff believes the color of the roof and the color of the proposed panels are slightly contrasting in color and may not meet the intent of this priority policy. Does the Commission concur?

3. Does the Commission have any comments regarding the size, height, placement of the shed?
4. Does the Commission believe the proposed landscaping along the north property line negatively impacts the abutting neighbor?
5. Does the Commission support having the new fence be 6-feet tall matching the existing fence?

We welcome any additional comments and suggest this application return for another hearing.

DABL SHED SITE

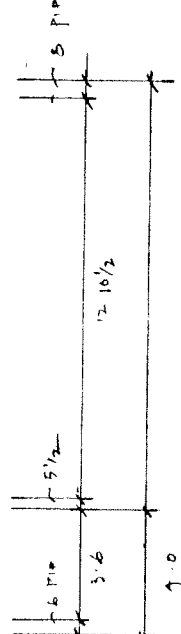
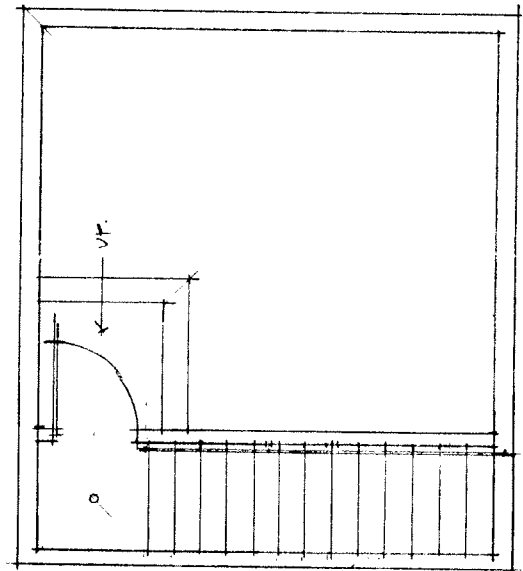
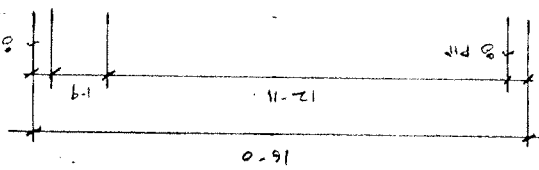
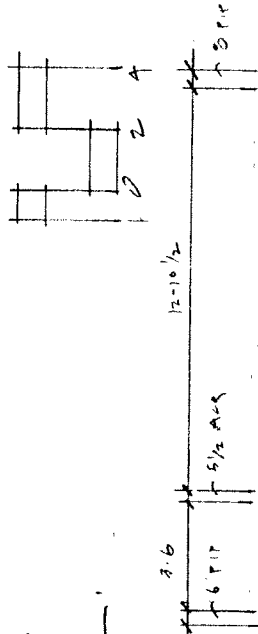


RECEIVED
AUG 28 2009
TOWN OF BRECKENRIDGE
PLANNING DEPT.

FOR ANDREWS LAND SURVEYING 1997.

DABL SHED. 108 N. FRENCH STREET. NOT 16, BLOCK 3, ABDETTS ADDITION. © DLG 2009.

ONE
224 SF

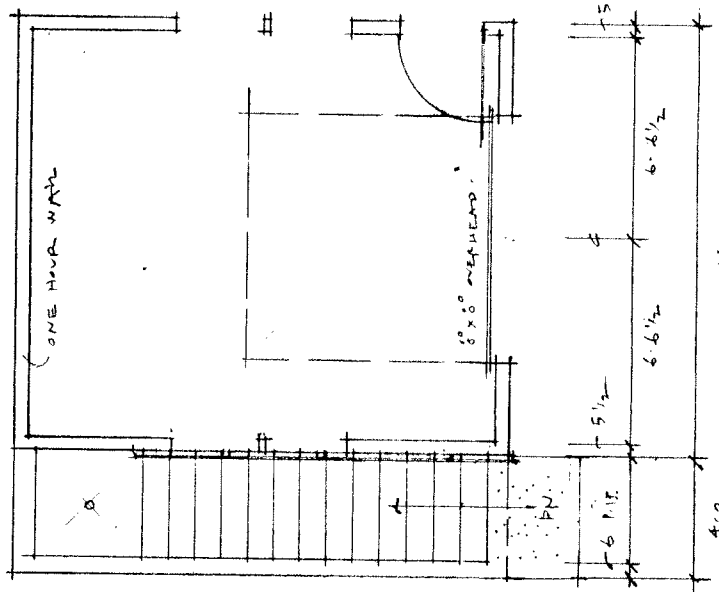
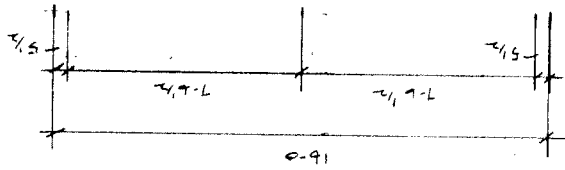
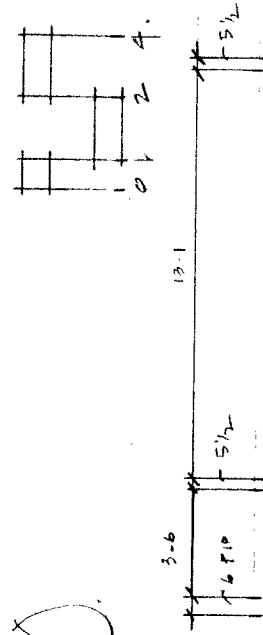


LOWER LEVEL

DL STD.

108 NORTH TRENCH STREET.

TWO
224 SF



MAIN LEVEL

LOT 6, BLOCK 3, ABBETT'S ADDITION.

EAST

PLATE C
9575.75

PLATE B
9575.75

PLATE C
9575.75

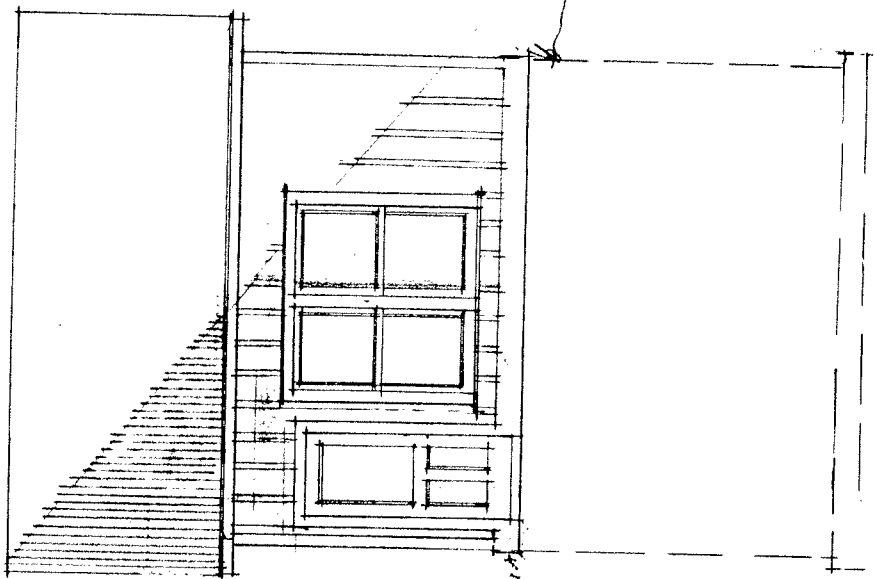
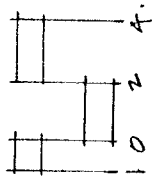
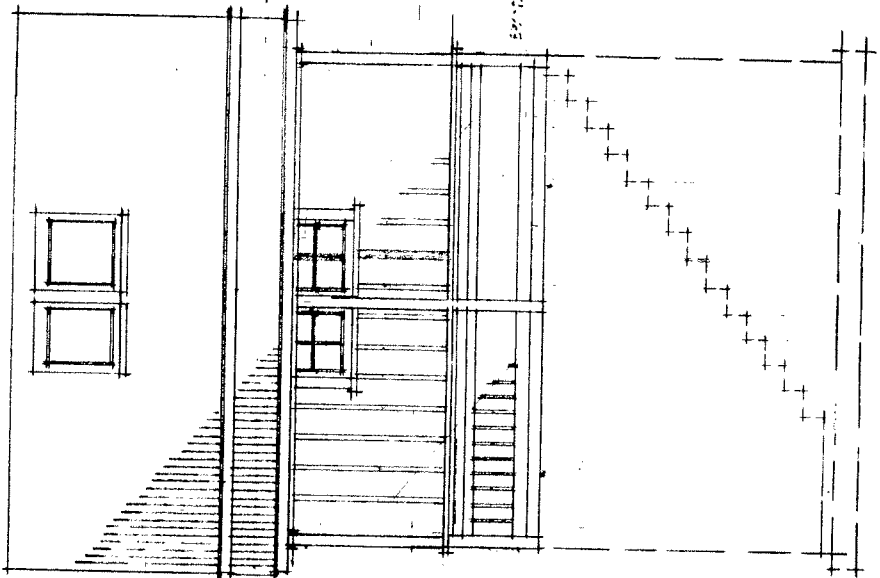
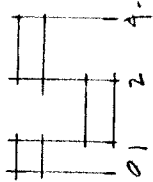


PLATE C
9575.75

WEST

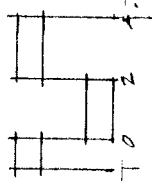


DAD. SHED.

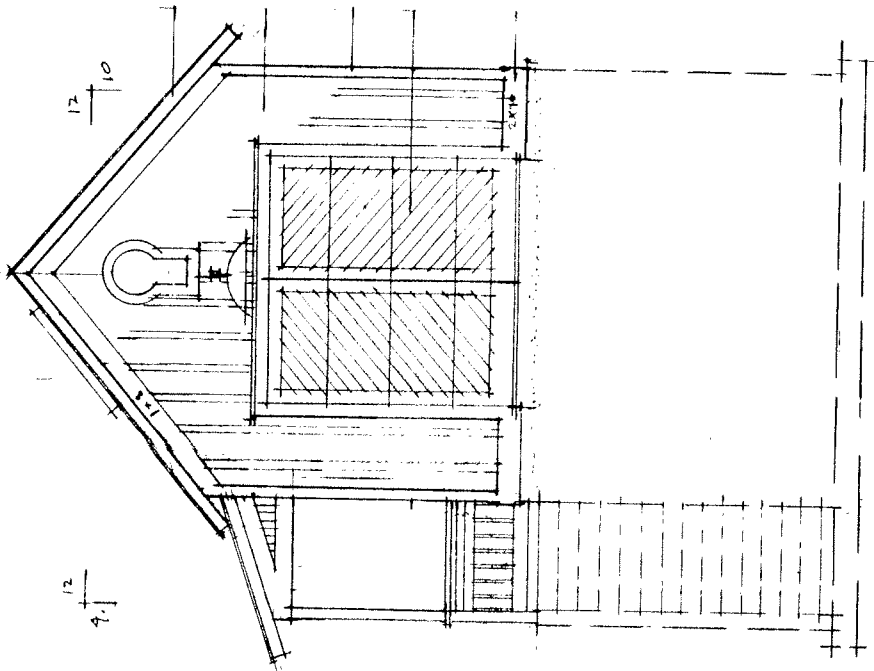
108 NORTH FRENCH STREET.

LOT 6, BLOCK 3, ABBETT'S ADDITION.

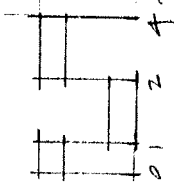
SOUTH



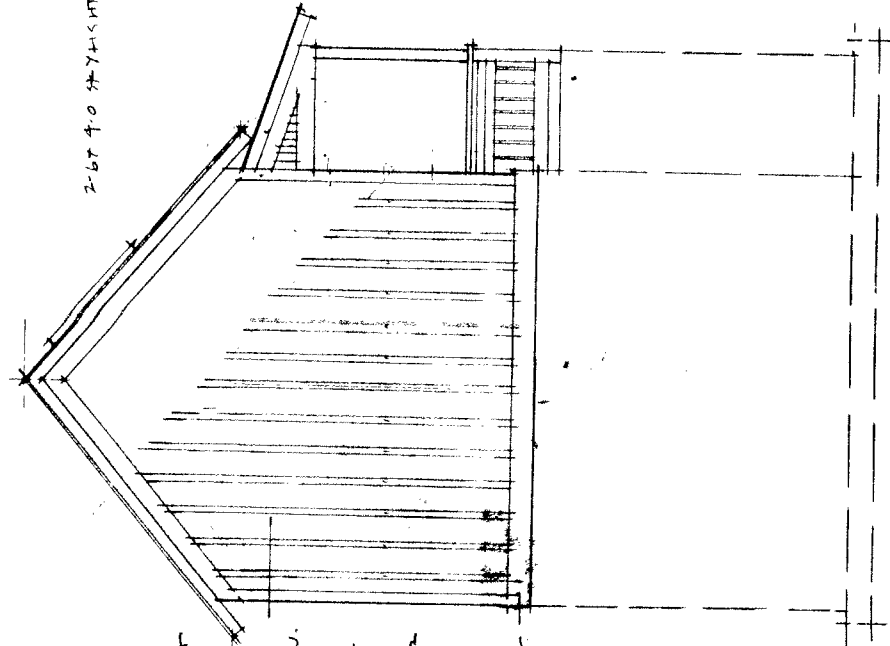
12
2.1



NORTH



2-67 4x10 RAFTERS.



P.S. 2x6 PLANKS
W/ OPEN JOISTS

PE-LINED
SHAPED + BATTEN.

F-5 1x6 GYMER

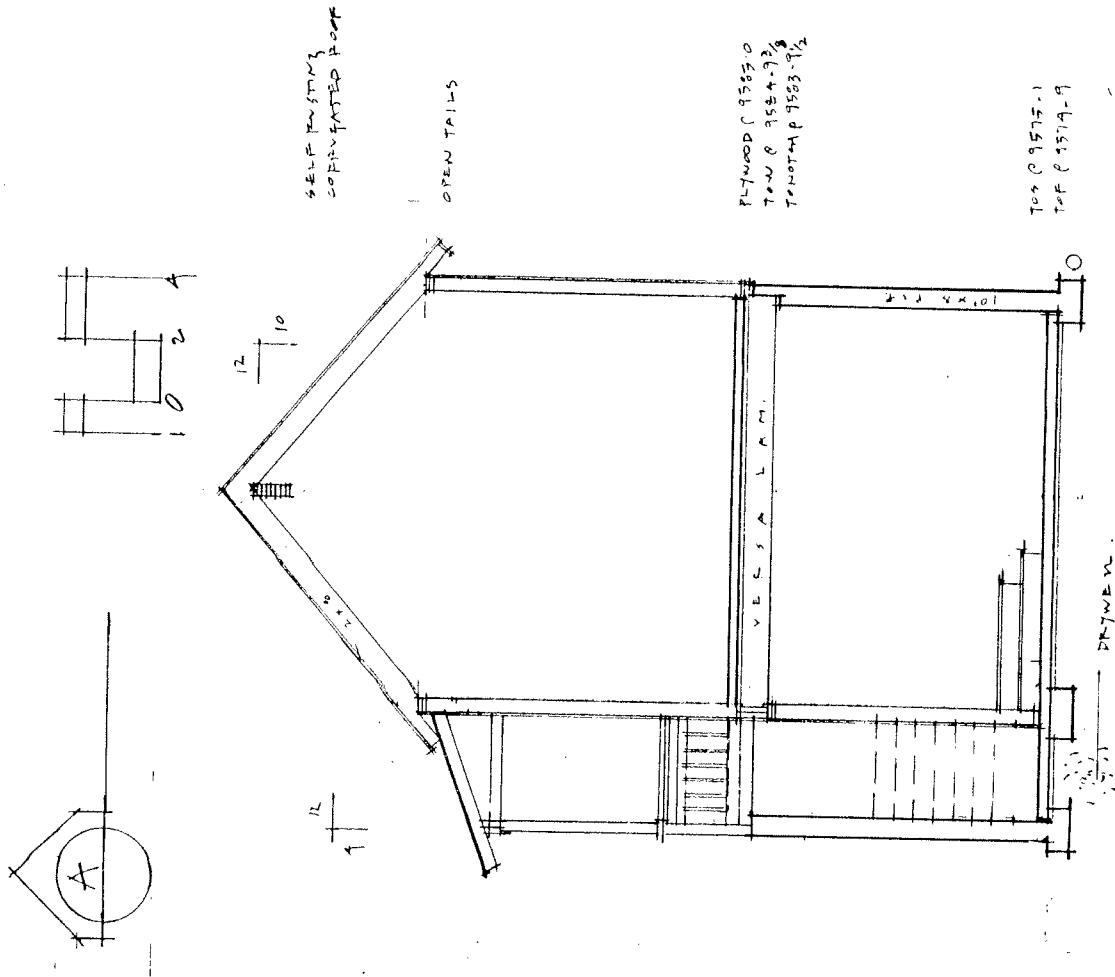
F-5 1x6 ON BOOR

F-5 2x10 STRUTS

PAD SID.

108 NORTH FRENCH STREET.

LOT 6, BLOCK 2, ASSETTS ADDITION



DAL STD. 108 NORTH FRENCH STREET. LOT 6, BLOCK 2, ABBETT (C. ADDITION.



The Craig Company

Comprehensive Planning
Resort/Tourism Planning
Land Use Regulation
Development Feasibility
Site Design
Expert Witness
Landscape Design

August 27, 2009

Mailing Address: P. O. Box 970
Key West Florida 33041

Mr. Mike Mosher, Planner

Office location: 610 White St.
Key West, Florida 33040

Town of Breckenridge

Phone: 305/294-1515

Breckenridge, Colorado

Fax: 305/292-1525

Email: don@craigcompany.com

Dear Mike,

My wife and I have reviewed the plans placed at our doorstep by Mr. Edwards, and also reviewed them with several neighbors. We all have serious concerns about the present design, but the items listed below are the comments and concerns that my wife and I have:

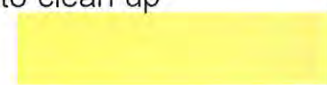
1. The application is deficient in the following ways:

- The survey incorrectly shows my home on the Edwards property. This dispute was settled by litigation between us several years ago with reference to a correct survey, which I commissioned.

- The application references the storage for the existing tenant - The Summit Foundation. The Summit Foundation moved out nearly a year ago. So what is the true use?

- The drawings lack critical dimensions and i.e. height of the structure. There is simple reference to topographical elevations, but those are not reference to an actual survey, which shows the topo, otherwise we will be in a situation wherein Mr. Edwards once again tries to make the structure higher than allowed. The survey with topo must be a part of the application and available to the public.

- The application does not indicate the true existing use of the property which is illegal outside storage of construction materials, construction equipment and vehicles and fuel storage not Red, White and Blue regulations. This is definitely a fire hazard. Regardless of the disposition of the application, Mr. Edwards should be made to clean up



the lot, place the materials in a closed structure as required by law. It simply has gone on long enough.

- The application also does not list that Mr. Edwards placed on the site, an illegal shed already without the benefit of a permit.

2. The construction of the shed and its constituent parts will have a permanent and adverse effect on our property and should be denied. Here are some of the ways it will harm our property:

- The plan calls for the placement of a large group of trees immediately adjacent to the rear of our home between the two structures, this will deprive of the light on which we depend to illuminate our basement bedroom, because the Town would not allow us to construct a second story when we remodeled in 1998. More importantly as the trees the irrigation named on the application and the roots of the trees as they grow will endanger my foundation and utilities in this area. Mr. Edwards has already harmed my utilities once due to negligence on his part when he installed the present fence between our properties. During his placement of the fence he struck the main electrical line serving my home, disrupting power, and forcing me to entirely relocate my line at a cost of over \$10,000. I can see it now- the construction of a basement at his property will go wrong and undermine our yard, our shed, our deck, our utilities and our home. Furthermore, the placement of trees immediately adjacent to my home is a fire danger, which the Town should clearly recognize. The trees will increase the water and ice that will fall on my roof and the side of my house and will interfere with proper snow storage. The placement of the trees in this location will endanger my property and is not acceptable.

3. Other Comments:

- This is not a shed. A shed is like that in my backyard - small, no more than eight feet high with no windows or that in my other neighbor's yard 8 by 8 feet. This structure is an excuse to allow Mr. Edwards to use it as a separately rentable residential or commercial unit. Its size character and orientation do not make it a shed or any kind of accessory structure. It is simply another large structure intended to add yet another money making facility. Look at the other sheds in the vicinity- they are nothing like this huge commercial structure. Finally, this is the first time ever in Breckenridge that a shed has had a basement. Look up the definition of shed anywhere- it does not include a basement. Nor do they include both residential doors and residential windows, as does this shed. At 450 square feet of useable floor area, this would make this the largest shed anywhere in a four-block radius.

- The structure with trees will block what little light and air we receive from the south and impinges on our ability to have a useable backyard. The snow from the roof will pile up on our fence and undercut the deck we just constructed last year.

- The structure will adversely affect the drainage in the area, which already comes from the bank, this property and onto our lot.

- Mr. Edwards proposes to remove the North /South and East/West fences on a portion of his property to appear to have been accommodating to our needs to move the garbage cans from the rear of our house without having to drag them across the bank parking lot along French Street to the pick up point in front of 110 French Street. This is simply a ruse because he has precluded us from access that is between the houses with the exception of once yearly maintenance with advance notice to him. Thus the removal of the fence is a moot point.

- The proposed parking space is not required and will block at least two spaces on bank property. It is proposed to serve the residential or commercial use of the new building, because Mr. Edwards and his tenants in the main building have the right to use up to 4 spaces at the bank.

- Mr. Edwards is already planning to use the existing structure as a residential unit. I saw he and his three new tenants move in a new refrigerator and a new oven range top. I believe he needs permission from the Town to convert to this use. He certainly will need it when he converts this shed to a residential unit.

Finally, If Mr. Edwards wants to build a shed or have a shed, let him adopt one from the Town as we did or build one that is in keeping with the sheds immediately adjacent on my property or that of my neighbor Bud Figel, not this commercial / residential structure posing as a "shed".

Thank you for your consideration of my comments.

Sincerely,


Donald Leland Craig, AICP
The Craig Company
don@craigcompany.com

Planning Commission Staff Report

Project Manager: Chris Kulick

Date: August 19, 2009

Subject: Alpine Rock Mining and Aggregate Processing
Class B Minor; PC #2009039

Applicant/Owner: Alpine Rock/ The Town of Breckenridge

Agent: John Keller, Alpine Rock

Proposal: The applicant is requesting a renewal of a development permit (2006170) to allow for the continuation of an existing mining and processing operation. The operation includes mining, processing, and sale of aggregate on a 127-acre site just west of Hwy 9 and north of County Road 3. Processing includes crushing and washing of material from on and off site, as well as asphalt and concrete manufacturing. No expansion to the existing operation is proposed, however a modification to the permitted hours of operation and limits on asphalt production is requested by the applicants.

Address: 13250 State Highway 9

Legal Description: Unplatted

Site Area: 127.78 acres (Alpine Rock-25 acres/Town of Breckenridge-102.78 acres)

Land Use District: 43

Permitted Uses: Existing residential and service commercial; Recreation, Open Space, and Governmental Uses; Mining and related uses

Site Conditions: The southern 102 acres of the site is owned by the Town of Breckenridge and contains the pit where rock is being extracted. Alpine Rock has finished mining approximately 20 acres in the center of the Town's property and has begun regrading and reclaiming that section. There remains about 70,000 to 100,000 tons of dredge rock that has not been mined located in the southwestern section of the property, just north of County Road 3. The timing of the removal of this material will be based on timing of the removal of material from Block 11 pursuant to the Lease Agreement between the Town and Alpine Rock. Market conditions will impact the removal of material from both Block 11 and the site.

The northern 25 acres of the site is owned by Alpine Rock and contains the processing operation including: 1) a portable asphalt plant (spring, summer, fall only) 2) crushing and sizing facilities (spring, summer, fall only) 3) wash plant facilities with a concrete lined settlement pond (spring, summer, fall only) 4) a concrete batch house/concrete plant 5) a maintenance shop 6) the main business office trailer 7) truck scale 8) a fuel storage/island 9) a concrete reclaimer with concrete lined settlement pond and 10)

miscellaneous storage and testing trailers. There are no utilities to the site. Bottled water and four sanolets are provided. Propane is used for heat and an existing well is used for non-potable purposes.

Adjacent Uses: North: Stan Miller Rock Crushing (Class C #2003030)
South: County Road 3
East: Tatro PUD-Service Commercial
West: Vacant-US Forest

Item History

Alpine Rock has been mining this property since 1983 subject to a Mining and Reclamation permit from the Colorado Division of Minerals and Geology. That permit is current and is subject to annual renewals. It allows for the extraction of aggregate that is at or above the water table within the boundaries of the property. The State inspected the mining operation most recently on March 4, 2009 and found it to be in compliance with the permit.

Although Alpine Rock is the mining operator, the Town of Breckenridge acquired the bulk of the property in 2002. The Town worked with Alpine Rock to reconfigure the property so the processing facilities on the northern portion of the property are contained within 25 acres owned by Alpine Rock and the pit is contained within 102 acres owned by the Town. The entire 127 acres is subject to a 20-year lease between Alpine Rock and the Town of Breckenridge dated November 18, 2002. The lease authorizes Alpine Rock to use the Town's property for mining and related uses, and restricts the use of Alpine Rock's 25 acres to aggregate processing. The lease includes an option for the Town to purchase the Alpine Rock parcel when the mining is complete. The Town meets annually with Alpine Rock to monitor the mining, the reclamation, the royalties, and also to coordinate in regard to other Town projects that impact either the mining or the restoration. This includes the Blue River restoration project and the potential water reservoir. The last annual lease meeting was August of 2007 and no issues or concerns relative to the operation were raised. Since 2007 Alpine Rock has worked closely with the Town Engineer relating to temporary storage of "plating" material for the Town as well as assisting with the rough grading and removal of material from Block 11.

The lease includes the approved reclamation plan and a procedure for incrementally releasing small section of the property from the lease once mining and reclamation is complete. At this time, only a small section of the property has been filled, and some reclamation has been completed, but, because the property is under consideration for a water storage reservoir, none of the property has been fully filled, graded to the required finished grade, or released from the lease.

Summit County regulated the mining/processing operation through their Conditional Use Permit process from 1983 until the property was annexed to the Town of Breckenridge in 2003. Upon annexation Alpine Rock obtained a Class C development permit (2003107) authorizing the continuation of the operation. The Class C permit was approved for three years on November 11, 2003. The permit was subsequently renewed for another three years on October 3, 2006. The operation is considered a temporary use of the land that provides rock, concrete, and asphalt while preparing the land for its ultimate use.

An Alpine Rock Task Force, composed of three Silver Shekel property owners, was created in 1993 to meet periodically to work directly with Alpine Rock to minimize the impacts of the operation on the neighboring homes. The intent was to create a process by which the residents of Silver Shekel could work directly with the operator and insure that unresolved issues were brought to the attention of the County or the Town. Two of those property owners no longer own property in Silver Shekel but Alpine Rock has continued to coordinate with the remaining Task Force member. The last official meeting was in the spring of 2006 and there were no concerns raised. Alpine Rock has stayed in contact with the Task Force via telephone, and the feedback from Silver Shekel indicates that they have had no issues with the operation. Alpine Rock remains available for periodic meeting should Silver Shekel or the Town desire.

Staff Comments

Land Use: Land Use District 43 was specifically created in 2003 to allow the mining and processing operation. According to the Land Use Guidelines these uses “*shall be in accordance with the lease between the Town of Breckenridge and Alpine Rock*”, and the intent of Land Use District 43 is to “*allow for the continuation of these uses as provided for and conditioned by Summit County Conditional Use permit.*” The Land Use guidelines require that a development permit be obtained to insure on-going oversight of the operation. Upon annexation in 2003, the Town approved the original Class C permit for a three-year period, which is consistent with the Stan Miller temporary rock crushing facility just north of this site. It appears that the current mining and processing operation is consistent with the Summit County Conditional Use Permit and the Lease, and has not changed substantively since approved by Summit County or annexed by the Town. The Town is currently developing a Master Plan that will identify the long-term use for this property once the mining activity is discontinued or completed. According to Alpine Rock, the aggregate could be mined out in five years depending on future market conditions and construction activity. At this time, it is anticipated that the property will be used for open space, recreation, and possible water storage when mining is complete.

Site Plan/Structures: There are no changes to the site plan as approved by Summit County through the Conditional Use Permit process and the permit previously approved by the Town. There are several structures and a variety of equipment that have been on the property since the beginning of the Conditional Use Permit, as listed above. No additional structures or equipment is anticipated as part of this application. Alpine Rock’s activity level peaks in the summer construction season with up to 15 employees and drops off significantly in the winter with only 2 or 3 employees.

Access / Circulation: The property is accessed off an entrance/exit at the Fairview Blvd./Hwy 9 intersection. These Hwy 9 access points connect to a driveway across Town-owned property to the Alpine Rock property.

Utilities Infrastructure: There are no changes proposed to the existing facilities. Bottled water, propane, and sanolets are utilized.

Water Quality/Drainage: The material within the mining permit boundaries consist of gold placer tailings and rock and aggregate. As a result of historic mining operations, flow in the Blue River disappears into the dredge tailings at southern boundary of the property. During low flow periods, there is no surface water flow through the property. During Spring runoff flow occurs in varying locations

within the site. The Blue River restoration Master Plan (December 2000) identified the preferred location for a restored river channel and that new channel will be constructed at some future time.

The County Conditional Use permit required Alpine Rock to participate in an Alpine Rock water quality taskforce to ensure proper implementation of Best Management Practices to protect water quality in the area on a continuous basis. Alpine Rock recently conferred with the water taskforce and has complied with recommendations outlined in a letter dated September 15, 2006 from the Summit Water Quality Committee. This will be included as a condition of this approval. In addition, the applicant has submitted a Storm Water Management Plan to the Town Engineer and has agreed to comply with any recommendations of the Town Engineer relative to storm water management. This will also be included as a condition of this permit. The operation is also subject to a Discharge Permit from the Water Quality Control Division of the Colorado Department of Public Health and Environment and a current copy of the permit has been provided to staff.

Pursuant to the site plan and the County approved Conditional Use permit, the area identified as riparian habitat along the western perimeter will not be disturbed. The County also required a 25' non-disturbance setback for any jurisdictional wetlands and for areas identified as high water channels. The applicant has indicated that there are no jurisdictional wetlands within the property and will submit an Army Corp of Engineer approved delineation as a condition of this permit.

Air Quality/Particulates: Alpine Rock's processing equipment is subject to permits from the Air Pollution Control Division of the Colorado Department of Public Health and Environment and copies of current permits have been provided. In addition, the previous Conditional Use Permit, approved by the County and the development permit approved previously by the Town, prohibited any visible air pollution, including particulates, dust, and smoke, beyond ¼ mile. Over the last three years Town staff received no dust complaints. Alpine Rock waters their interior drives regularly which effectively controls for dust.

Impact to Adjacent Uses:

Visual Impact: The permanent structures are painted grey as required by the County and recommended by the Alpine Rock Task Force. The Task Force has been amenable to a yellow temporary asphalt plant because it was a newer (and quieter) model. Staff has no objection to a yellow portable asphalt plant.

Reclamation/Monitoring: The Land Use District Guidelines require a monitoring component for this development permit. The Alpine Rock Task Force has been very involved in the oversight of this operation for the last sixteen years. As a result, there have been improvements to the operation such as quieter equipment (enclosed generators, rubber crusher screens, etc.). We recommend that the Task Force continue to convene prior to the commencement of the asphalt operation and subsequent to the termination of the asphalt operation each year. A member of Town staff will attend these Task Force meetings. In addition, we recommend that the Task Force contact the Town if there are issues that have not been resolved to their satisfaction, and Community Development Department may schedule the development permit for Planning Commission review at which time additional conditions may be required.

Since the property was annexed into Town and the original permit was approved, Staff has received three complaints. One of the complaints concerned dust, which was resolved with watering, occurred over three years ago. The second complaint concerned debris and trash that was stored on the property. It

was determined that the debris and trash was actually located on property immediately east of Alpine Rock's property and was the responsibility of the adjacent landscape business. Prior to the last renewal in 2006 it had come to staffs' attention, that, for some time, Alpine Rock has been depositing used equipment and material (concrete, rock, gravel) on a sliver of land just north of their property and on the Town-owned property to the west. Staff had advised Alpine Rock to discontinue depositing any debris or materials offsite without the permission of the property owner and that it would be necessary for Alpine Rock to remove the old equipment and to work with the adjacent property owners to remove any debris and material that cannot be used as part of their improvements. This was included as a condition of permit and was discussed at the following annual lease meeting.

The reclamation of the mined areas will be in accordance with the reclamation plan included in the lease between Alpine Rock and the Town. As the mining and reclamation is completed, those finished areas will be released from the lease in minimum 5-acre increments. The decision regarding phasing, completion of reclamation, and release of property from the lease will be made as part of an annual lease conference between Alpine Rock and the Town.

We recommend that this Class C permit be subject to a renewal every three years (similar to Stan Millers Rock Crushing Permit). This will enable the Town to monitor the impacts of the operation and to respond to the phasing and reclamation issues, and to provide flexibility to address market conditions, product demand, technological advances, changes to the surrounding land uses, and final land use and circulation plans.

Changes from the October 3, 2006 Approval

Noise/Production Levels: There are changes proposed to the operating hours previously approved by the Town. The mining and processing activities are considered to be construction related and the associated noise is considered 'construction noise' pursuant to the Town Noise Ordinance. Under the Town Noise Ordinance there is not a maximum permissible noise level assigned to construction activity. Instead it is unlawful to cause or make construction noise between the hours of 7 p.m. and 6:59 a.m. Monday through Saturday and all day Sunday. Previously The Alpine Rock Task Force and the County agreed to slightly different operating hours to enable the plant to start up earlier in order to provide material to construction sites by 7 a.m. These previous hours are listed below. The provisions of the Town Noise Ordinance may be varied by a development permit and staff has no objections to allowing a broader range of hours that have been negotiated and agreed to by the Task Force, Alpine Rock, and approved by the Town.

The current permit provides for hours of operations that meet the needs of their customers the vast majority of the time. However, due to increased tourism and increased population in Summit County, Alpine Rock is experiencing an increase in demand from its customers (Colorado Department of Transportation, Vail Resorts via it's general contractor PCL, etc.) to modify hours of operation beyond the present scope allowed. In the case of Vail Resorts the project is located at the base of Peak 8. During the winter of 2008-2009 skier traffic was peaking at the same time as the scheduled concrete pours in the morning. To improve the safety conditions and reduce the chance of injury to both employees and the Town's tourists Alpine Rock was requested to commence operations at 4:00 a.m. In the case of the Colorado Department of Transportation to ease congestion on roadways which thereby improve the safety conditions of both workers and other persons using the roadways more and more work is being specified to be completed at night. Alpine Rock has requested that rather than restricting their hours of operation up front in the Conditional Use Permit, that the Town allow them the right to

extend their hours of operation provided their Noise Levels are within the levels defined in the Town's Noise Ordinance. Under this modification Alpine Rock has requested to notify the Planning Department at the time they are awarded work that requires operations outside the previously defined hours providing the dates of expected operations along with the nature of work to be performed. In addition to ensuring appropriate noise levels during nighttime operations, the Town will require the applicant to install fully cutoff and shielded downcast lighting fixtures to be used in all external lighting. Two findings are included in this renewal to allow for the continuation of the previous hours of operation and to allow for additional hours when necessary.

Previous Permit's Hours of Operation:

Asphalt Plant and Crushing

Major Component Warm-Up	6:30am to 7:00am, weekdays
Material Production	7:00am to 5:00pm, weekdays
Major Component Shut-Down	5:30pm to 6:00pm, weekdays
Saturday Asphalt Operations	8:00am to 5:00pm, Saturdays

All Other Operations

Site Activities	6:00am to 6:00pm, weekdays
	8:00am to 5:00pm, Saturdays

Over the years Alpine Rock has implemented various measures to minimize the production noise. The asphalt plant that was used in 2003 and 2004 was a quieter model than used in previous years. In recent years no asphalt plant has been brought to the site. The Bag House, which is a part of the asphalt production, previously generated a lot of noise and because of the associated noise it was agreed upon that no greater than 200 tons/hour of asphalt could be produced to limit associated noise. Since 2004 the technology of asphalt plants has been much improved. The sound produced by a modern plant is significantly lower than other operations currently permitted at the site. Because of the advancements in technology for asphalt batch plants, Alpine Rock is requesting the previous limitation of “no greater than 200 tons/hour of produced asphalt” be removed from the current application. The Task Force and the Town have researched modern asphalt plants noise levels and have no concern with removing this limitation from the current application.

Comments on modification from the Alpine Rock Task Force: As mentioned above there is one remaining member from the Alpine Rock Task Force. In response to Alpine Rock's renewal and modification the lone task force member, Dieter Wons, commented that he is happy with the current state of operations and thinks it has improved significantly over years through concessions Alpine Rock has made to the Task Force. These concessions include stated operation hours, limits on asphalt plant production and modifications to the asphalt plants baghouse. Mr. Wons is concerned about allowing nighttime operations but is willing consider temporary exceptions at time through a temporary permitting process. Mr. Wons believes that before Alpine Rock is allowed to receive a temporary permit they should be required to demonstrate to the task force the full extent of the proposed operations at night to ensure their nighttime operations will not be unsettling to adjacent neighbors. In response to Mr. Wons' comments staff recommends approving the permit with the previously allotted hours with a condition that allows for Alpine Rock to file for a staff reviewed Class “D” permit to allow for temporary after hours operations. Staff believes this is the best way to extend the requested hours to Alpine Rock while at the same time ensuring these added hours of operation will not come at the expense of the neighboring owner's nighttime comfort. Staff is requesting feedback on this possible solution.

Term of Conditional Use Permit: Alpine Rock's current permit is a three year permit. In 2003 the Company had requested a five year term, but due to some operational challenges the Planning Department recommend a three year term. Alpine Rock has not had any complaints or issues during the term of the current Conditional Use Permit and has requested to extend the term of the Conditional Use Permit to a five year term. However, so that they may move the renewal date to a period of the year that business is slower they have requested that the Permit be slated to expire March 15, 2014, roughly 6 months prior to the expiration of a five year term. Despite Alpine Rock's good previous track record staff is recommending a three year term for their permit renewal due to the new modifications requested as well as due to the standard Class "B" permit vesting limits.

Staff Recommendation

This application has been advertised as a combined hearing. The application appears to pass all absolute and relative policies. A final point analysis has been included for your review.

If the Commission finds that the Alpine Rock Mining and Aggregate Processing application meets all absolute and relative policies and is comfortable with the modification for the temporary permitting of additional hours of operation, Staff recommends approval of PC#2009039, with the attached findings and conditions.

TOWN OF BRECKENRIDGE

Alpine Rock Mining and Aggregate Processing
13250 State Highway 9
PERMIT #2009039

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

FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The proposed activity is an existing activity and the operation will be consistent with all of the conditions and approvals granted by Summit County prior to the annexation.
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 August 19, 2009 and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on September 1, 2009 as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.
6. Notwithstanding the provisions of Section 9-1-22 of the Town Code, the terms and conditions of this development permit shall remain in full force and effect and shall govern the permittee’s use of the property which is the subject of this development permit for a period of 3 years from the date hereof. During this time, the permit shall be binding upon and enforceable against the permittee and all subsequent owners of the property unless the permit is revised, modified or superseded by another development permit. The permit may be renewed upon review of a new permit application.
7. The activities authorized pursuant to this permit are primarily construction related, and the noise generated by the permittee in connection with its use of the property pursuant to this development permit shall be deemed “construction noise” within the meaning of Section 5-8-6 of the Town Code. The provision of Section 5-8-6 relative to hours is hereby waived pursuant the provision of 5-8-6 (E) to allow for the morning site activities and major component warm-up as outlined below.
8. The permittee’s hours of operation pursuant to this development permit shall be:

Asphalt Plant and Crushing

Major Component Warm-Up	6:30am to 7:00am, weekdays
Material Production	7:00am to 5:00pm, weekdays
Major Component Shut-Down	5:30pm to 6:00pm., weekdays

Saturday Asphalt Operations 8:00am to 5:00pm Saturday

All Other Operations

Site Activities 6:00am to 6:00pm, weekdays
8:00am to 5:00pm, Saturdays

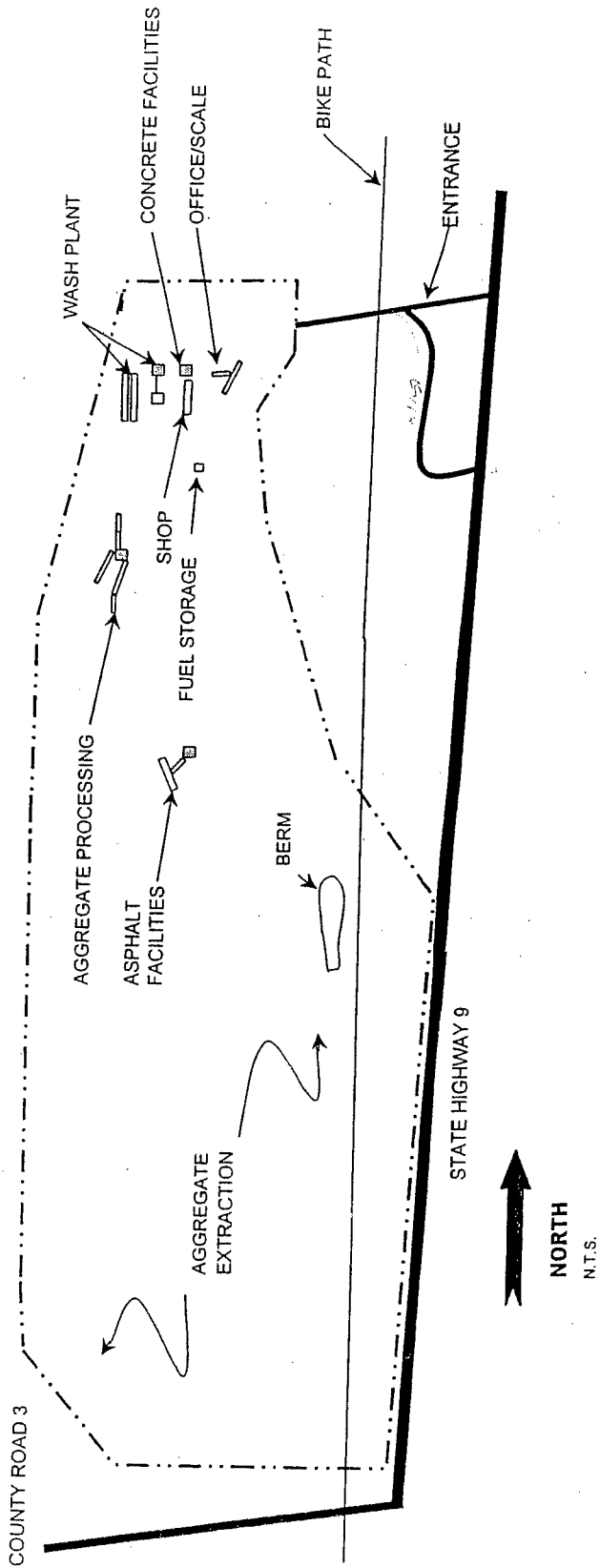
Permittee's operation at the property outside such hours shall constitute a violation of this permit. The only exception is for a bona fide emergency, or in the event of a temporary and occasional extension upon advance notification to the Alpine Rock Task Force and to the Town of Breckenridge. Temporary extensions will be reviewed through the Class "D" review process. Any temporary or occasional extension to the hours is subject to the Town Noise Ordinance.

CONDITIONS

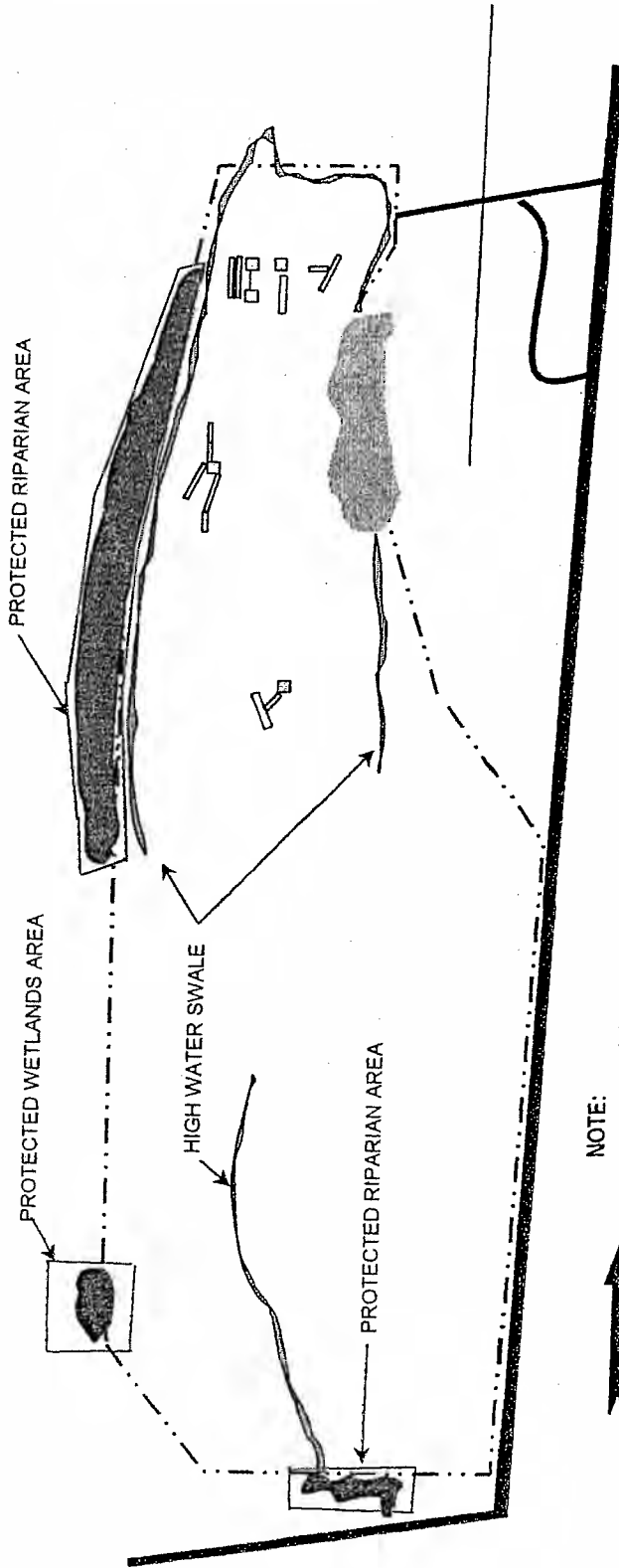
1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires three (3) years from date of issuance, on September 1, 2012. However, the Planning Commission may require an interim review and subsequent additional restrictions prior to the expiration date if there are equipment changes, permit violations, or unauthorized changes or additions to the operation that are deemed by the Town to endanger the health, safety, or welfare of the general public.
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. Alpine Rock's operation onsite is subject to a Mining Permit issued by the State of Colorado. Alpine Rock shall immediately notify the Community Development Department of any notifications or correspondence it receives concerning alleged violations of this permit.
6. Alpine Rock's operation onsite is subject to the requirements of permits issued by the Colorado Department of Public Health, Water Quality Control Division. Alpine Rock shall immediately notify the Town of Breckenridge Community Development Department of any notifications or correspondence it receives concerning alleged violation of these permits.
7. Alpine Rock shall comply with any Storm Water Management practices required by the Town Engineer and shall comply with the Water Quality Taskforce recommendations including those dated September 15, 2006.
8. Alpine Rock's operations onsite are subject to the requirements of permits issued by the Colorado Department of Public Health, Air Quality Division. Alpine Rock shall immediately notify the Town of Breckenridge Community Development Department of any notifications or correspondence it receives concerning alleged violation of these permits. The operation shall not create any air pollution visible beyond ¼ mile.

9. There shall be no site disturbance within 25' of any jurisdictional wetlands. Alpine Rock submitted a US Army Corp of Engineer approved wetland delineation prior to the previous June 1, 2007 deadline. The areas identified as protected riparian area will not be mined or disturbed and a 25' non-disturbance setback will be established for areas identified on the site plan as high water swales unless specifically modified by the Town.
10. The Alpine Rock Task Force shall convene prior to the commencement of operations and subsequent to termination of operation each year. The intent of the pre-commencement meeting is to review the anticipated operation plans for the upcoming season, along with any equipment changes, and to establish production guidelines and notifications procedures. A representative from the Town Community Development Department may attend the Task Force meetings. The Task Force will notify the Community Development Department regarding any unresolved issues and the Community Development Department may refer the development permit to the Planning Commission for interim review and subsequent additional restrictions.
11. Alpine Rock shall maintain dust control on site and on any affected roadways.
12. Alpine Rock shall be responsible for removing debris and equipment that they have deposited off-site when requested by the adjacent property owner and the Town Engineer.
13. Alpine Rock shall clean the bike path as necessary, as trucks cross the path during operation.
14. At all times during the course of the work on the development authorized by this permit, Alpine Rock 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 if the Town believes that Alpine Rock has violated this condition. If Alpine Rock fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, Alpine Rock agrees that the Town may clean up such material without further notice and Alpine Rock agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets.
15. The project approved by this Permit must be operated in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. The project must be operated in accordance with the plans, conditions, and specifications that were approved by the County pursuant to the Conditional Use Permit. Any material deviation from the approved plans and specifications without Town approval may result in the Town issuing a Stop Work Order, 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. If the operation changes significantly the Town Engineer or Community Development Department may require additional mitigation to impacts including but not limited to traffic and water quality. Based upon the magnitude of the changes, another hearing before the Planning Commission may be required.

ALPINE ROCK CO.
SITE LAYOUT



ALPINE ROCK CO.
PROTECTED AREAS



NOTE:

A 25 FT. NON-DISTURBANCE SETBACK SHALL BE ESTABLISHED FOR AREAS IDENTIFIED AS JURISDICTIONAL WETLANDS. THESE AREAS SHALL BE FLAGGED IN THE FIELD.

THE AREAS IDENTIFIED AS RIPARIAN WILL NOT BE MINED.

A 25 FT. NON-DISTURBANCE SETBACK SHALL BE ESTABLISHED FOR AREAS IDENTIFIED AS HIGH WATER SWALES. WHEN WATER IS NOT PRESENT IN THESE DRAINAGE AREAS, MATERIAL EXTRACTION IS ALLOWED.

NORTH
N.T.S.

ALPINE ROCK CO.

BEST MANAGEMENT PRACTICES

CONCRETE LINED SETTLING PONDS

DRAINAGE

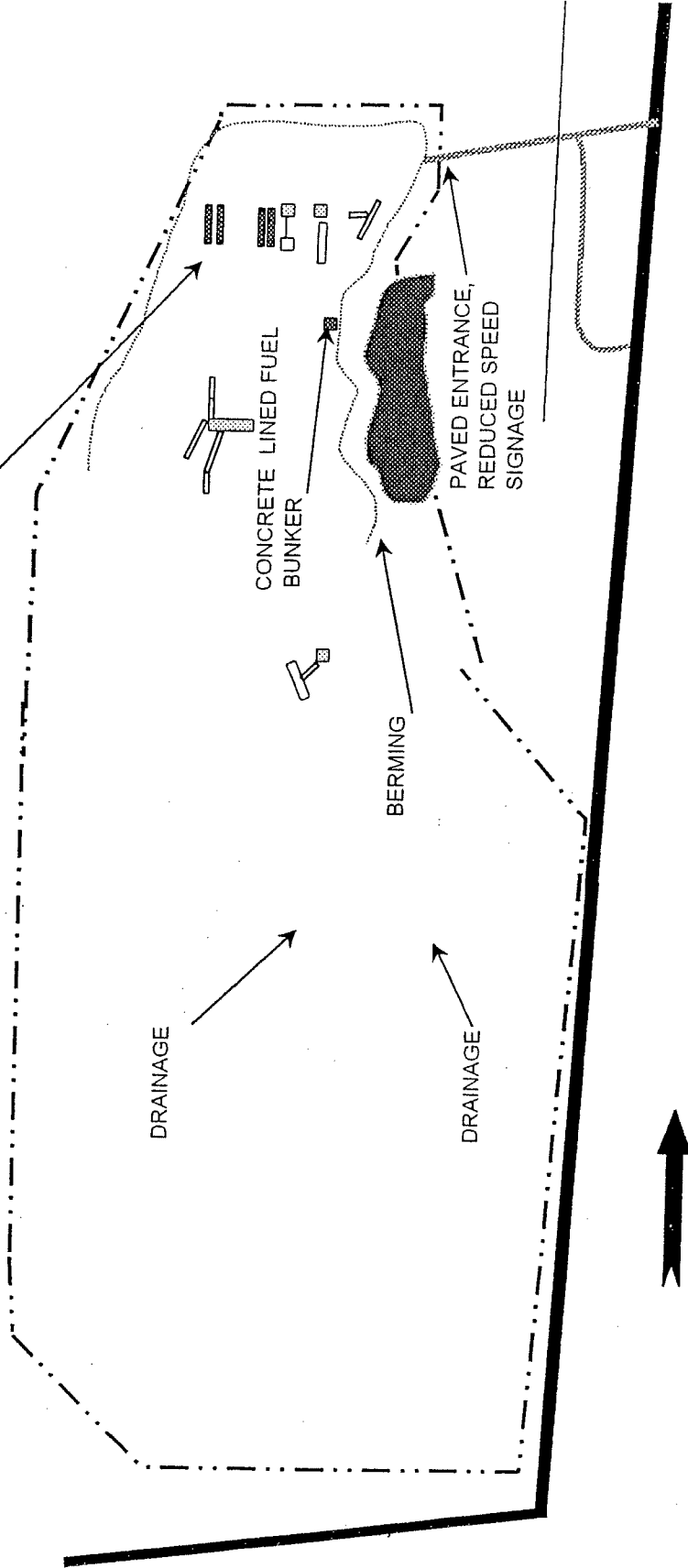
CONCRETE LINED FUEL
BUNKER

BERMING

DRAINAGE

PAVED ENTRANCE,
REDUCED SPEED
SIGNAGE

NORTH
N.T.S.



Memo

To: Planning Commission

From: Julia Puester, AICP

Date: August 25, 2009 for meeting of September 1, 2009

Re: Neighborhood Preservation Policy (NPP) Worksession

Background

In September of 2007, the Town Council voiced concerns regarding the increasing number of large homes and potential tear downs and the desire to maintain the character of Town, particularly the character of older, established neighborhoods. Staff was directed to work on drafting a policy that limited home sizes. In 2008, Town staff held several meetings with neighborhood groups (particularly the Weissshorn neighborhood). These meetings were followed by several work sessions with the Planning Commission. Eventually an initial proposal (the "Neighborhood Preservation Policy") was drafted and presented at two public open houses held in February, 2009. At the open houses, public comment was generally unsupportive to the proposal. In response, in April the Town Council appointed a citizen based task force made up of seven citizens with differing views on the issue to re-examine at the issue. One Council member (Eric Mamula) was also appointed to the Task Force.

After several months of work, this task force came up with a recommendation which was supported by all task force members. Their recommendation was presented at a public open house in July. The proposal was generally well received and supported by those attending the open house. Comments which were turned in at the open house as well as subsequent emails have been attached to the packet for your review.

The Task Force initially discussed a number of options, including a Floor Area Ratio (FAR), a maximum home size, an allowance for additions, and a bonus square footage provision based on meeting certain design criteria. After adjusting FAR and maximum sizes, the Task Force determined that there was no longer a need for the additions and bonus provisions, as they had been accounted for in the additional allowances found under FAR and size caps. This was also done to keep the policy more straight-forward, with less need for subjective analysis.

Staff has attempted to spread the message of the neighborhood preservation policy and encourage public participation through direct mailings,

advertisements and an article in the Summit Daily, and a large email distribution list we have developed for the project (comprised of previous open house attendees and other interested citizens).

Planning Commission Comments from December 2, 2008 Worksession (on previous recommendation of 80 or 90th percentile F.A.R.):

- Mr. Allen: Sought clarification regarding setbacks and if they existed now. Supported this concept but not what is in front of the commission tonight. Thought it was too restrictive. The community doesn't want to see large homes on small lots; however a large home on a large lot should be allowed. Suggested presenting options to the public to choose from during the open houses. Also suggested inquiring with the public about property values. Regarding setbacks he would like to suggest a 50ft sideyard setback. Agreed with FAR. Maximums and minimums are way too low. Warriors Mark should not be more restrictive than the annexation agreement provided for. Liked rounding up to get to the maximum.*
- Ms. Girvin: Sought clarification regarding the below ground density; concerned that someone would have a large basement (larger than home footprint) which could create site disturbance and not allow new growth because of the basement shell interfering with root systems. (Ms. Puester commented that this policy was drafted to only apply to above ground density to address visual character impacts. Other issues such as buffering would have to meet code requirements.) (Mr. Neubecker added that the Staff could be stricter on the application of Policy 7, which already addresses these issues.). Concerned someone would build a huge part of the home underground disturbing the site. Make sure that what is important to the neighborhood is kept. When public input is sought, ask the public to define their neighborhood character, since character comes from more than home size. Really appreciated the council taking a hard look at this. Supported this program and direction it is going. Would be willing to go to an 85th percentile. Agreed with square footage measurements but would recommend 250 foot increments rather than 500 feet for visual massing purposes. Floor area ratios are appropriate. Capture the public comments about what they like about their neighborhood and use these comments for "whereas" reasoning in the document.*
- Mr. Schroder: Interested in further public comment. Supported 80th percentile and 500 square foot rounding. Smaller is better. When presenting this to residents, should be presented as "preserving neighborhood".*
- Ms. Katz: Asked for clarification on Sunrise Point above ground square footage. (Staff explained the extreme steep slope conditions.) You never think that a house will be built bigger than the extreme example but then there is always someone who comes along and builds bigger. This is a start that needs to happen. Need to do something and do it fast. Pointed out that this policy would apply to all neighborhoods in town and opting out wouldn't be an option for one particular neighborhood. It applies to all or none. Supported the policy and thinks it's important. Felt council has to move forward to this policy. There are ways to improve a home without making it bigger. Over time, enlargements become bigger and bigger and change the character. The size keeps creeping upward. Would like to see 80th percentile but would be fine with going to 85 or 90. Could be an absolute number with the option to move up with negative points. Fine*

with the 500 square foot increments. FARs would be appropriate. Would be ok with allowing folks to add a bathroom to their home. Would be alright with always allowing a 250 square foot addition. But for some families that need a bigger house than is allowed, they may need to look elsewhere.

Mr. Bertaux: Sought clarification regarding public open houses to seek public input. (Staff explained the format and plan to seek public input.) This policy did not seem to address scrape offs, which I would like to see addressed. Limiting the size is a good start. Owners would have to meet all other aspects of the code (landscape buffering etc.). Supported 80th percentile, could be flexible to the 90th percentile size. FAR would be in line with existing subdivisions as presented tonight. The research is there. 500 square foot increments would be fine. Looked forward to further public input.

Mr. Lamb: This policy is a good start, can't get a policy like this to be perfect for all. How did we come up with 1,500 square foot minimum? (Staff explained some oddly small lots lead to this number to allow a decent sized home, even on a tiny lot.) Would support the minimum being at 2,000 square feet. At the Warrior's Mark annexation, the residents wanted more restrictions that come along with being in town. This policy would be easy to present to the public as it is much simpler now; liked the memo. Supported 80th percentile and 500 square foot rounding up. Felt FAR would be appropriate.

Mr. Pringle: Any elaboration helps make this policy more palatable to the community. Get this out to the public as many ways as possible. Suggested contacting the newspaper to write a story on this topic. How does this policy address the natural evolution of a neighborhood when it would otherwise reach 110 percent of existing size? Pointed out how homes have grown in certain neighborhoods which has been socially acceptable. (Mr. Truckey: explained how the different percentiles worked and how they would be applied to set maximum cap.) The existing code's flexibility has served the town well and would like to see this policy have some flexibility. Commended Ms. Puester's efforts and supported in theory everything presented tonight. 500 square foot is fine as well as FARs recommended. Cautioned council to be careful with an absolute policy for single family homes when absolutes aren't used for other land uses. Thought the town needs to evolve naturally and thus needs to be cautious. Therefore this policy needs flexibility. Was in favor of this policy but not if it is absolute but allow for the evolution of the town which is constantly moving.

Mr. Mamula: Changing setback for each subdivision would be really subjective and what the rest of the code is for. Changing setbacks in each neighborhood would be a huge mess. Council wants to know if the public is ok with limiting the size of homes in their neighborhood; is it alright to limit home sizes where there is no building envelope? The town attorney is satisfied with this policy as is because it eliminates a takings issue. If there is neighborhood pushback on a large scale the council will back off. It would either apply to all subdivisions without envelopes, or to none. Council is leaning towards the 80th percentile but if the Commission thinks that 100% is better, then let them know. Didn't feel home values will be negatively affected but rather property values will be positively affected, by preserving character. Encouraged as many town officials to show up to future public hearings as possible. Would be alright with a 250 square foot allowance above the max.

The Policy Basics

All square footage and FAR numbers proposed apply to above ground mass only and exclude a garage up to 900 square feet in size. The property owner would utilize the F.A.R. until the maximum square footage for their respective subdivision was reached.

Floor Area Ratio Explained

Floor Area Ratio (F.A.R.) is used to relate a home size to the lot size. The F.A.R. would dictate the amount of square footage that can be built, depending on the size of the lot.

$$\text{Floor Area Ratio (F.A.R.)} = \frac{\text{Lot Size Square Footage}}{\text{Home Square Footage}}$$

For instance, if a lot is 0.50 acres (21,780 square feet) and the F.A.R. for that particular subdivision is a 1:4 F.A.R., the property owner can build a 5,445 square foot (SF) home. (In this proposal, the square footage would apply only to above ground square footage and a 900 square foot garage is exempt). Ultimately, with the proposed policy direction, the property owner would be permitted 5,445 SF above grade home+ 900 SF garage= 6,345 total above ground.

Methodology

Proceeding with the policy direction given by the Task Force and assumptions below into consideration, the Task Force reviewed data related to the existing built and physical conditions of each individual subdivision without platted building/disturbance envelopes. F.A.R.s and maximum square footages proposed for each subdivision have been based on these existing conditions and analyzed for what was appropriate for that subdivision. The assumptions below further dictate the methodology for subdivision analysis.

Assumptions

In drafting this policy, the Task Force has made several assumptions for above ground square footage including:

- Utilizing a Floor Area Ratio allows for home sizes that are appropriate in relation to their actual lot size. Larger lots can generally absorb the impacts of a larger home while still keeping in character with the neighborhood.
- Notwithstanding the above statement, at some point homes can reach a size that is out of character with the neighborhood. For that reason, a maximum size was established.
- Half (50%) of all basement level square footage of existing homes was counted toward above ground mass to determine existing subdivision conditions.
- Subdivisions do not all have the same F.A.R. spread or proposed maximum square footages due to subdivision site constraints such as lot sizes and topography. For example, where subdivisions contain some

very large lots, extra square footage has been built into the maximum size.

- A 900 square foot garage exemption has been proposed in the policy, which can accommodate an oversized two car garage or a three car garage.

Proposed Policy Table

Below are the F.A.R. and maximum floor area amounts for each subdivision, as recommended by the Task Force.

Subdivision	Floor Area Ratio (FAR)	Maximum Above Ground Floor Area (SF)
Brooks Hill	1:6.00	7000 SF
Breck South Sub	1:5.00	6000 SF
Christie Heights	1:3.50	6500 SF
Gold Flake	1:4.50	9000 SF
Highlands F1	1:8.50	9000 SF
Highland F2	1:8.50	9000 SF
Highlands F3	1:8.50	9000 SF
Highlands F4	1:8.50	9000 SF
Peaks	1:1.75	6500 SF
Penn Lode	1:3.00	6000 SF
Snowflake	1:2.00	5500 SF
Sunbeam Estates	1:4.00	7000 SF
Sunrise Point	1:2.50	6000 SF
Trafalgar	1:2.50	7500 SF
Trapper's Glen	1:4.50	8000 SF
Warrior's Mark	1:2.50	4000 SF
Warriors Mark West	1:2.50	4500 SF
Weisshorn	1:4.00	8000 SF
Yingling & Mickles	1:1.30	6000 SF

Summary

In summary, the Task Force has proposed a policy which they feel is fair and allows for property owners room for additions in the existing homes. The F.A.R.s and maximum square footages have been determined by the Task Force to be generous while keeping the general character of the subdivisions and eliminating the opportunity for monster homes. The proposal was presented to the Council at their July 28th worksession in which Council voiced support and directed Staff to proceed to the Planning Commission with the proposed policy as presented by the Task Force.

Questions for the Planning Commission

1. Is the Planning Commission comfortable with the proposed policy?
2. Are there any questions, suggestions or modifications that the Planning Commission would recommend to the proposal to forward to the Town Council?

**Neighborhood Preservation Policy Open House-Council Chambers
July 22, 2009**

Survey Results:

Do you agree with the approach proposed by the Task Force for addressing home sizes?

Yes 6
No 1

Other Comments or Suggestions?

Hate losing property rights. Taking away in my case probably more than 50% of present potential.

Sorry the turnout was so low. This plan works-it will encourage to do a better job-not restrict.

I think you did a great job listening to the community.

We support the objective of the policy. We think the Weisshorn is out of line with the current FARs. You could build a bigger house in the Weisshorn than in Goldflake. That is not in keeping with the character of the Weisshorn. FAR should be higher.

This seems to be reasonable, let's be sure it accomplishes the goal.

In my neighborhood, one side of White Cloud is in Warriors Mark and does not have building envelopes and the other side is in a different subdivision that has envelopes. Since the lots with envelopes are under a different standard, this could defeat the intent of the policy and produce an unfair and in my opinion, undesirable result.

Please identify your interest in the Neighborhood Preservation Policy:

6 I live or own a home in one of the affected subdivisions affected by the proposed policy.

2 I am a member of the development/building community.

1 I am an interested citizen.

July 27, 2009

To: Town of Breckenridge Planning Department and
Town Council
Re: Neighborhood Preservation Policy

We support the policy objectives of “maintaining the character of Town and preserving the character of older neighborhoods.” We also appreciate the approach which has given the community a chance to give input during the process.

Our concern has to do with the Weissshorn. The FAR for the Weissshorn is smaller than that for Gold Flake and the same as that for Sunbeam. That means the policy will allow a larger home on the same size lot in the Weissshorn than is allowed in Gold Flake. It will allow the same size home on an equivalent lot as is allowed in Sunbeam. For example with the proposed policy on a ½ acre lot, a house of the following size could be built:

Gold Flake	4840sq ft + 900 sq ft garage
Sunbeam	5445 sq ft + 900 sq ft garage
Weissshorn	5445 sq ft + 900 sq ft garage

The current average and median sizes in the neighborhoods are:

Gold Flake	average size – 4152 sq ft	median size – 3896 sq ft
Sunbeam	average size – 4388 sq ft	median size – 4232 sq ft
Weissshorn	average size – 2146 sq ft	median size – 2206 sq ft

The current size of homes would suggest that a policy with the objective of preserving the character of neighborhoods would set a FAR that would yield a smaller home in the Weissshorn than in Gold Flake or Sunbeam. It would follow that the maximum size house should be smaller than in both Gold Flake and Sunbeam. We could support a FAR of 5 and a maximum size of 7000 sq ft plus a 900 sq foot garage.

Individuals who purchased a home in the Weissshorn with plans to add on when their family grew or they could financially afford it, should be able to do so. It seems that a larger FAR for the Weissshorn would still give them room to do that and more. The smallest lot in the Weissshorn is .37 acres. With a FAR of 5.0 the policy would allow 3223 sq ft plus a 900 sq ft garage on that lot. Of the 136 lots in the Weissshorn, only 15 would be limited to below 4000 sq feet (plus the 900 sq ft garage.)

When we raised this concern in the last community meeting, there was no explanation offered or challenge from the task force – just a thank you for our comments. It almost appears as if an error has been made or that the thinking is the Weissshorn neighborhood should change in character.

We support the policy but hope the Town Council will change the FAR and maximum size for the Weissshorn.

Thanks for giving us a chance for an input.

Phil and Barbara Gibbs



MEMORANDUM

TO: Planning Commission
FROM: Chris Neubecker
DATE: August 27, 2009
SUBJECT: Joint Meeting with Town Council

The Joint Planning Commission/Town Council meeting is scheduled for September 8th, from approximately 6:00 PM - 7:30 PM. Please note that this is during the Town Council meeting. Dinner will be served to the Planning Commission, Town Council and staff.

Topics for discussion include:

1. Planning Commission Top 10 List
2. Development Agreements/Business Plans/Annexations: What is PCs Role?
3. Neighborhood Preservation Policy: A general discussion of the program's goals and how the Commission will be involved.
4. Landscaping/Forest Health/Mountain Pine Beetle: A general discussion on the intent of the policy, and how these three goals can be combined into one comprehensive policy.