

Planning Commission Meeting Agenda

Tuesday, November 1, 2022, 5:30 PM Council Chambers 150 Ski Hill Road Breckenridge, Colorado

5:30pm - Call to Order of the November 1, 2022 Planning Commission Meeting; 5	:30pm Roll Call
Location Map	2
Approval of Minutes	3
Approval of Agenda	

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

5:40pm - Consent Calendar

1. Gold Pan Exterior Food and Beverage (SVC) 103 N Main Street; PL-2022-0479	6
 Climax Jerky Wagon Small Vendor Cart Permit Renewal (CC) 100 S Main St; PL-2022-0485 	16
5:45pm - Final Hearings	
1. Father Dyer Addition & Remodel (CK) 310 Wellington Road, PL-2022-0461	23

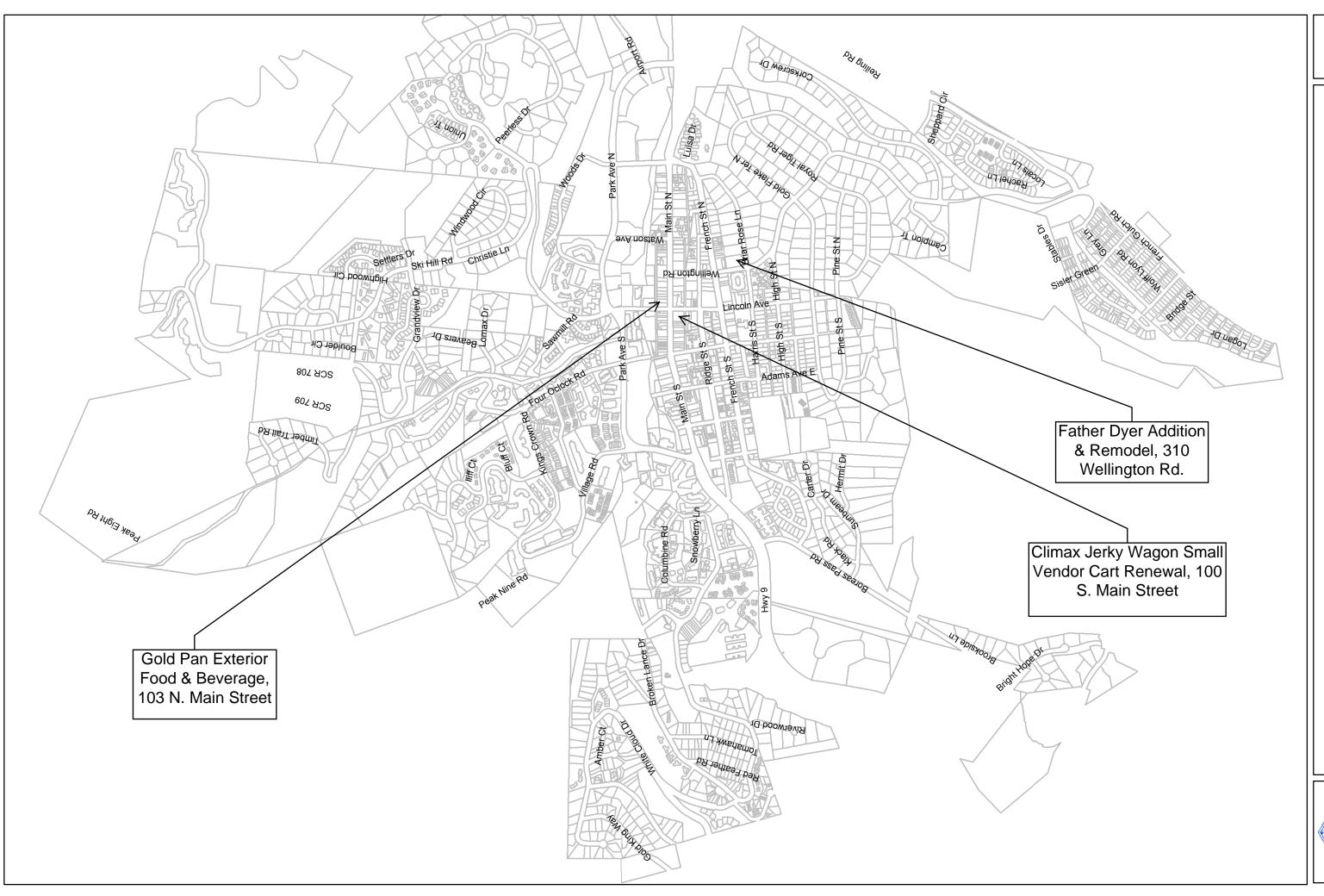
6:15pm - Other Matters

1. Town Council Summary

6:30pm - Adjournment

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

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







PLANNING COMMISSION MEETING

The meeting was called to order at 5:30pm by Chair Delahoz.

ROLL CALL

Mike Giller Mark Leas George Swintz-remote Allen Frechter

Tanya Delahoz Ethan Guerra Steve Gerard

APPROVAL OF MINUTES

One change on page 4 of the minutes; Mr. Kulick's comment second line should say, "what was shared with the other **Commissioners**" not "Commission." With that change, the October 4, 2022 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the October 18, 2022 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

None

CONSENT CALENDAR:

1. Breckenridge Ski Area Master Sign Plan (CC), PL-2022-0439

Mr. Swintz made a motion to call up the Breckenridge Ski Area Master Sign Plan, seconded by Mr. Gerard. The Planning Commission voted 7-0 to call up the project.

Mr. Guerra and Mr. Frechter disclosed they are part-time employees of the Breckenridge Ski Area. No Commissioners had issues with their participation in the discussion.

Mr. Cross gave a brief overview of the proposed Breckenridge Ski Area Master Sign Plan which covers the base area of Peak 8.

Mr. Swintz: Why did you not do the Master Sign Plan for Peaks 7 and 9 at this time? (Mr. Cross:

The applicant is going to focus on Peak 8 now where summer activities occur. After winter, the applicant proposes to address Peaks 7 and 9). What part of the plan

addresses externally lit signs? (Mr. Cross: The Town Code, not the Master Sign Plan,

would address externally lit signs which must be downcast.)

Mr. Giller: No questions for staff.

Mr. Frechter: No questions.

Mr. Gerard: Looking at the temporary sign variance on page 17 of the packet, it should be clear that

the allowed temporary signs and sandwich boards is to effectuate snow and ice

removal. (Mr. Cross: The exempt signage, most of it is required by law. Temporary and movable format signs have different uses and therefore the variance.) Add something

about safety and snow clearing for these temporary signs. Under variance 5; the findings and conditions are good which allow them to only operate those signs during ski-area hours. For condition 9, you should add that the signs should turn-off one hour after lift service. You could improve and clarify under the snowfront zone, no. 2 in the definitions, to describe in full the paved area that is talked about. (Mr. Cross: That paved area does extend far beyond this zone. We could clarify to describe that it

pertains to the entire area adjacent to the Peak 8 paved area.)

Mr. Leas: No questions. Mr. Guerra: No questions.

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Ms. Delahoz: No questions.

Applicant, Ty Robbins, Norris Design:

On illumination, all sign illumination will follow Town Code, except the LED signs which will have a variance. We will tackle Peak 8 first, and Peak 7 and 9 will follow.

Mr. Swintz: On the materials variance, we may want limits on the types of materials especially

vinyl signs. Generally, there is a commercial standard, it seems interesting that freestanding signs are unlimited. (Mr. Cross: The majority of the freestanding vinyl signs are required by law and are in the on-mountain zone. The number of freestanding signs in the snowfront area will be limited by the MSP.) (Mr. Kulick: When staff examined the plan we recognized that permanently affixed signage should meet the Town's material standards for signage. The material variance is for signs which are

movable day-to-day to aid workers and snow removal.)

Mr. Giller: For the applicant, did you consider not using all capitals which are more difficult to

read and comprehend quickly than standard lower-case text? (Mr. Robbins: We are

proposing to use the existing brand standards on all signage.)

Public Comment was opened.

There was no public comment and the comment period was closed.

Mr. Swintz: I have no additional comments. Safety is always first, wayfinding on the mountain is

generally good, in general I was in favor of the proposed plan.

Mr. Frechter: To comment on the vinyl, vinyl is only for the temporary banners which would tip over

if they were hard surface signs.

Mr. Gerard: It is a good idea to carve out the ski area with its own rules because of its unique

aspects. I will support the plan and what is proposed.

Mr. Leas: This is a good comprehensive plan.
Mr. Guerra: I agree with the previous comments.
Ms. Delahoz: I also agree with the previous comments.

Mr. Gerard made a motion to approve Breckenridge Ski Area Master Sign Plan, PL-2022-0439 with the attached findings and conditions, and also recommend that the Town Council grant the requested variances and find that they meet all the absolute policies of the Code with a passing point analysis of zero points, seconded by Mr. Leas. The motion passes 7-0.

OTHER MATTERS:

1. Entrada Parcel Zoning (JP), 11030 State Highway 9

Mr. Truckey presented a proposal to consider placement of the Entrada parcel into Land Use District 5, if annexed.

Commissioner Questions / Comments:

Mr. Frechter: The development agreement will have an exemption from the floor area ratio (FAR)

and units per acre (UPA) noted in the Land Use District? (Mr. Truckey: Yes).

Mr. Giller: This regards the application we previewed for BGV workforce housing and there

would be a public benefit? (Mr. Truckey: Yes, every development agreement requires a public benefit. Every unit here will be deed restricted. BGV may use these units to

satisfy workforce housing requirements for other projects they have.)

Mr. Gerard: On page 79, the report states that there is no public transit service but that is incorrect.

There is bus service to this site. (Mr. Truckey: Yes, we could make a notation of that

Tanya Delahoz, Chair

without changing the Land Use District.) Second part of the paragraph, I recollect they were short some parking spaces. Is that going to be part of the development agreement? (Mr. Truckey: That may already be part of the development agreement but I will check.) There was discussion about sharing parking with the lot to the north because parking could not be met on site. Has parking been addressed and does it meet the requirements? (Mr. Truckey: I believe parking has been addressed but I will confirm; if it has not it can be made part of the development agreement.)

Applicant, Mr. Sam Dudick, Breckenridge Grand Vacations (online comment):

The site is parked at a 1:1 ratio, with 67 total parking spaces, 66 for each of the 66 units, one for the office space.

Mr. Gerard made a motion to recommend that the Town Council place the Entrada property into Land Use District 5, if annexed, seconded by Mr. Frechter. The motion passed 7 to 0.

- 2. Town Council Summary
- 3. Class D Majors Q3 2022 (Memo Only)

The meeting was adjourned at 6:30 pm.

4. Class C Subdivisions Q3 2022 (Memo Only)

ADJOURNMENT:

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Planning Commission Staff Report

Subject: PL-2022-0479, Gold Pan Saloon Exterior Food and Beverage, Class C Minor

Proposal: A proposal to convert 253 sq. ft. of exterior courtyard and parking located on the west

side of the saloon to a food and beverage service area. The conversion of parking and exterior space to a food and beverage service area is subject to Policies 24A and 52A and requires employee housing mitigation. To meet the necessary required onsite parking and employee mitigation requirements of Policy 24A the applicant proposes to deed restrict a 1955.5 sq. ft. second floor residential unit of the Gold Pan Saloon to

serve as workforce housing in perpetuity.

Date: October 27, 2022 (for meeting of November 1, 2022)

Project Manager: Sarah Crump, Planner II

Applicant: Chris Butler, Gold Pan Saloon/Carboy Winery

Owner: Reginald Gray, Silver Heels Inn, Inc.

Agent: Christie Mathews-Leidel

Address: 103 N. Main Street

Legal

Description: Lot 81R and 82, Bartlett & Shock Subdivision

Land

Use District: 19; Commercial; Commercial activities, particularly those which contribute to the

solidarity of the central business district are encouraged. Ideally, this includes retail trade uses which are associated with pedestrian traffic areas. Commercial uses with

residential secondary uses are also acceptable.

Historic

Designation: Within Conservation District (Core Commercial Character Area)

Within Local Historic District

Within National Register Historic District

Rated as historically significant under the National Register of Historic Places Criterion A and Criterion C. The building exhibits a high degree of historical integrity, relative to the seven aspects of integrity as defined by the National Park Service and Colorado

Historical Society. Designated as Local Landmark in 2017.

Site Area: 0.14 acres (6098 square feet)

Site Conditions:

The site currently contains both the Gold Pan Saloon and Carboy Winery food and beverage retail establishments. The building is situated on the east side of the lot with zero setback to Main Street right-of-way. The historic building is a good representation of an early Breckenridge historic Main Street commercial storefront. Originally two separate buildings, constructed in 1881 and 1905, the buildings were combined together in 1911. The buildings have been used consistently for commercial retail and food and beverage service throughout the 1900s to present day. The upstairs level has historically been for residential and office use. Recently, the property underwent updates in 2017 and 2018; the updates included an interior remodel, removal of some non-historic building elements, and designating the property as a Local Landmark. An exterior food and beverage area consisting of a 144 sq. ft. patio was also completed at this time on the west side of the building.

Adjacent Uses:

North: Bangkok Happy Bowl (Commercial Food and Beverage)

South: Sterling Building (Commercial Retail)

East: North Main Street Right-of-way

West: East Main Street Alley, Schoonover Building (Commercial Office)

1:1 FAR/20 UPA residential

Density: Allowed per LUGs :

No change proposed.

Mass: Allowed: Same as density.

No change proposed.

Total: Lower One: 4,951 sq. ft.

Level Two: 2,502 sq. ft. **Total:** 7,453 sq. ft.

Height: No change proposed.

Lot Coverage: Building /Trash Enclosure non-Permeable: 3,271 sq. ft.

(52.4% of site)

Parking / non-Permeable (including exterior food and beverage): 2,271 sq. ft.

(36.4% of site)

Open Space / Permeable Area: 696 sq. ft.

(11.1% of site)

No change proposed for permeable versus non-permeable lot coverage ratio. Only the

use is changing.

Parking: Required: 17 spaces

Required with Waiver: 15 spaces

Proposed: 3 onsite spaces, remainder of spaces by parking district fee

in-lieu program.

Snow Storage: Required: 496 sq. ft. (25% of parking area)

Proposed: 505 sq. ft. (greater than 25%)

Setbacks: Commercial, office, industrial, or other similar developments may be allowed to be

built at the property line in Land Use District 19.

No change proposed.

Item Background

During the COVID-19 pandemic, businesses were allowed to freely expand outdoor dining options to spread out patrons and reduce indoor contact without meeting any required code provisions. For many businesses, this expansion included taking up areas of required parking. The Town Manager's Emergency Order allowing for the additional outdoor dining space expired in May of 2022. Also in early 2022, the Town passed Ordinance No. 6, Series 2022, "An ordinance regulating exterior food and beverage areas," which requires a development permit for any new exterior food and beverage areas and added exterior food and beverage areas to the list of uses considered to generate employees and require employee housing mitigation. Seeing the success of outdoor dining during the pandemic, the Gold Pan Saloon desires to permanently convert some of their existing required parking into exterior food and beverage space and to deed restrict the second level residential units of the building, totaling 1995.5 sq. ft. Deed restricting the second level residential units will serve as the required employee housing mitigation for the new exterior food and beverage area. Since the proposed deed restricted housing is within the parking service area, the required on-site parking for this use may be waived per 9-3-8: Off Street Parking Requirement Section G. Waiver.

Staff Analysis

Policy 24A Employee Housing Mitigation

Policy 24A (D) requires all new development to mitigate 35% of the employees that are generated by new development, including new exterior food service areas. Per the Policy, 5.1 employees per 1,000 square feet of exterior food and beverage area are generated. The required mitigation is 350 sq. ft. of housing per employee, which can be met onsite (25% minimum for new construction, demo/rebuilds, and changes of intensity of use except in the Conservation District), off-site (for all other development), or via payment of a fee-in-lieu (only for any fractional remainder of the requirement generated totaling less than 1.0 employee). The table below shows the calculated total square footage of housing required and the conversion to a fee-in-lieu. Exterior Food and Beverage: An exterior patio, deck, soft surface area, rooftop deck or other exterior area used for commercial food or beverage service not associated with a vendor cart per section 9-1-19-49A.

Employee Housing Mitigation:
253 sq. ft. new exterior food and beverage
5.1 employees per 1000 sq. ft. for exterior F &B
253 sq. ft. ÷ 1000 sq. ft. = .253
0.253 X 5.1 employees = 1.2903 additional
employees generated
Mitigate (35%) of the employees generated by
the project
1.2903 additional employees X $35\% = 0.451605$
employees to be housed
350 sq. ft. housing required per employee
0.451605 employees X 350 sq. ft. = 158 sq. ft.
Total Housing Required: 158 sq. ft.
158 sq. ft. X \$284 fee-in-lieu = \$44,872.00
Total fee-in-lieu = \$44,872.00

Rather than pay the fee-in-lieu, the proposed second level unit totaling 1955.5 sq. ft. will be used to meet the employee housing mitigation requirements with a deed restriction and exceeds the required employee generation amount.

Policy 52A Exterior Food and Beverage Areas

Policy 52A, Exterior Food and Beverage Areas has three requirements: the area must be located on the same lot as the associated commercial building, the area is not to exceed 30 percent of the total lot area, and the design must conform with the Handbook of Design Standards for the Conservation and Historic Districts.

The proposed exterior food and beverage area is located on the same lot as the associated commercial building. The proposed exterior food and beverage area (253 sq. ft.) plus the existing exterior food and beverage area (144 sq. ft.) is only 6 percent of the total lot area (6098 sq. ft.) and does not exceed the 30 percent of lot size limitation. Staff has examined the material changes associated with this proposal and made the following observations: the only proposed changes for the exterior food and beverage area are the installation of seasonal bistro lighting, stripe painting a portion of a former parking space to designate no parking, and the addition of approximately four dining tables and chairs.

Staff finds that this proposal complies with the Handbook of Design Standards for the Conservation and Historic Districts and meets all the requirements of Policy 52A. Staff has no concerns.

Exterior Lighting

The application proposes warm white bistro string lights rated at 2700K to be hung at no greater height than 15ft above grade. This meets the height and lighting requirements for bistro lights in the Code, where bistro lights are not to exceed 2,800K or 15 ft. above grade. Also following the Code, the lights are proposed to be used May through October and extinguished by 10:00 p.m. or within one-half hour of business close (whichever time is later).

Required Parking and Parking District Fee-in-lieu

Staff has calculated the parking requirements and Parking District Fee-in-lieu for the proposed new exterior food and beverage area. Under section 9-3-8, G of the Off Street Parking Requirements of the Code, deed restricted residential units in the parking district may have required on-site parking waived. The waiver of 2.15 spaces is shown in the table below.

A required payment to the Parking District fee-in-lieu program for the new exterior food and beverage area and is included in the attached Findings and Conditions. Should a building permit not be required for this project, the payment of parking district fees must be made prior to conversion of the space to the exterior food and beverage use.

Parking Requirements:
253 sq. ft. new exterior food and beverage
1.75 spaces per 1000 sq. ft. for exterior F&B
$253 \text{ sq. ft.} \div 1000 \text{ sq. ft.} = 0.253$
0.253 X 1.75 spaces = 0.44275 spaces
0.44275 spaces X \$24,283.92/space = \$10,751.71
Total Parking fee-in-lieu Required: \$10,751.71
1,955.5 sq. ft. residential x 1.1 spaces/1000 sq. ft. = 2.15105 spaces (waived)

Water Plant Investment Fees

Staff has calculated the Water Plant Investment Fees (PIFs) for the proposed new exterior food and beverage area. The PIFs will be required to be paid for the project and are included in the attached Findings and Conditions. Should a building permit not be required, the payment of PIFs must be made prior to conversion of the space to the exterior food and beverage use.

Water PIFs:
253 sq. ft. new exterior food and beverage
1.6 SFEs per 800 sq. ft. for exterior F&B
253 sq. ft. ÷ 800 sq. ft. = 0.31625
0.31625 X 1.6 SFEs = 0.506 Total SFEs
0.506 SFE X \$7,703.00/SFE = \$3,897.72
Total PIFs Required: \$3,897.72

Summary

The applicant is proposing to convert 253 sq. ft. of exterior courtyard and parking located on the west side of the saloon to a food and beverage service area. Two on-site parking spaces will be lost to the conversion. To offset the required employee housing mitigation for the new exterior food and beverage area, the applicant is proposing to deed restrict 1955.5 sq. ft. of second level residential space. Since this deed restricted housing is located within the parking service area, the on-site parking requirement of 2.15 spaces is waived. The applicant will owe the parking fee-in-lieu for commercial spaces (\$10,751.71) and the associated Water Plant Investment Fees (\$3,897.72) totaling \$14,649.43 associated with the new exterior food and beverage area.

Staff Action

Staff finds the proposal complies with all absolute and relative policies of the Town of Breckenridge Development Code and has awarded the project a passing score of zero (0) points. Staff approves PL-2022-0425, Gold Pan Saloon Exterior Food and Beverage, located at 103 N Main Street, with the attached findings and conditions.

TOWN OF BRECKENRIDGE

Gold Pan Saloon Exterior Food and Beverage 103 N Main Street Lot 81R, 82 Bartlett & Shock Subdivision PL-2022-0479

FINDINGS

- 1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
- 2. This approval is based on the staff report dated October 27, 2022. Your project was approved based on the employee mitigation provided and your acceptance of these terms and conditions imposed.
- 3. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge as to the nature of the project.
- 4. The conversion of a 253 square foot patio and parking is to be classified as "Exterior Food and Beverage" for the purpose of Water Plant Investment Fees, Parking Fees, and Employee Housing Mitigation under the Development Code.
- 5. Under section 9-3-8, G of the Off Street Parking Requirements of the Town Code, deed restricted residential units in the parking service area may have their on-site required parking waived. The deed restriction of 1955.5 square feet of residential space located on the second level of 103 N Main Street qualifies for a waiver of 2.15 spaces of on-site parking.
- 6. The deed restriction of 1955.5 square feet of residential space located on the second level of 103 N Main Street will satisfy the employee housing mitigation requirements under section G. of Policy 24A, Employee Housing Impact Mitigation.
- 7. The waiver of on-site parking for the deed restricted unit precludes any additional on-street residential parking permits from being issued.

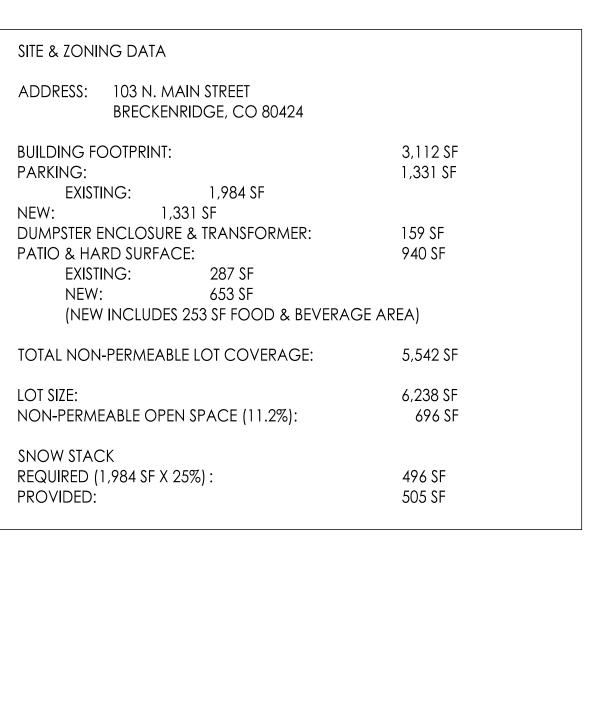
CONDITIONS

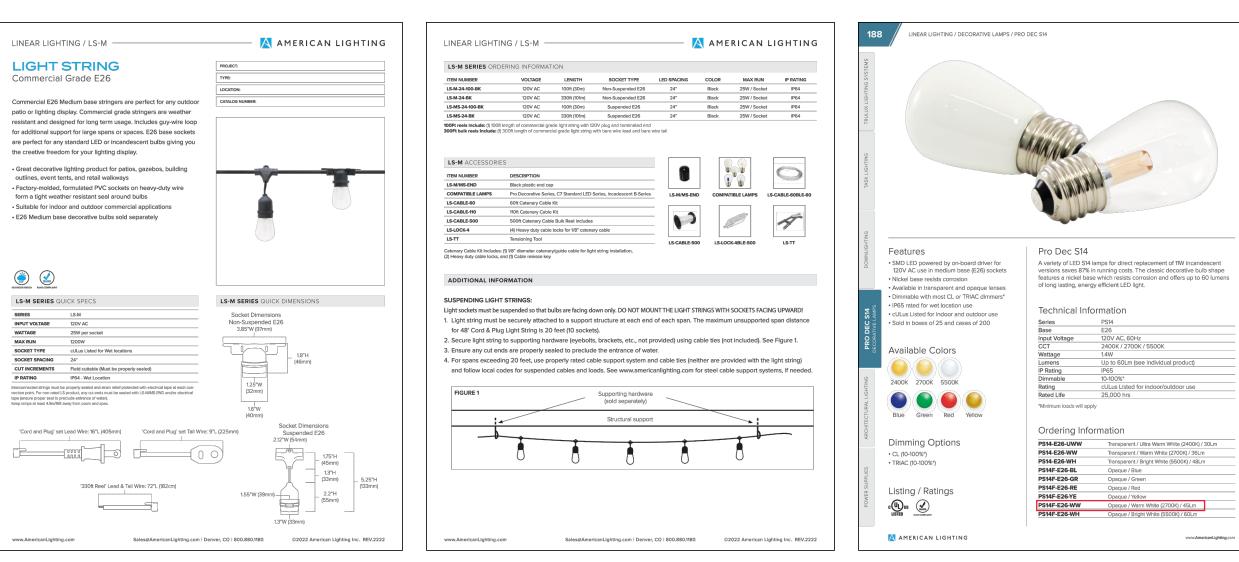
- 8. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
- 9. If the terms and conditions of the approval are violated, 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.
- 10. Complies with the statements of the staff and applicant made on the evidentiary forms and policy analysis form.
- 11. This permit expires eighteen (18) months from date of issuance, on May 8, 2024. 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.
- 12. No signs are approved with this application. All signs visible from the exterior of the building shall be approved by the Town of Breckenridge under a separate sign permit application.

- 13. The approved bistro lighting for this project shall only be in use between May 1 and October 31. Bistro lighting is to be extinguished by 10:00 p.m. nightly or within one-half hour of business close (whichever is later) per 9-12-11 A. Lighting Standards for LZ-1 (Downtown Overlay District Lighting Zone).
- 14. Any additional exterior lighting fixtures must be approved through the D-minor permitting process. Any existing nonconforming exterior lighting fixtures shall come into compliance by July 1, 2025.
- 15. Applicant shall execute and record with the Summit County Clerk and Recorder the Town's an employee housing covenant for the residential unit, consisting of a total square footage of 1955.5 square feet located at 103 N Main Street, as approved by the Town Attorney.
- 16. The proposed conversion of 253 square feet to exterior food and beverage service use may not be in use for such purposes until Water Plant Investment Fees and Parking Service Area Fees have been paid. If a building permit is required for the conversion work, the fees must be paid prior to issuance of the building permit. If paid on or prior to December 31, 2022, Water Plant Investment Fees shall be \$3,897.72. If paid after December 31, 2022, the fee shall be determined based on the new Water Plant Investment Fee schedule in effect at the time of the payment. Parking fees shall be based on the thencurrent parking fee schedule as maintained by the Community Development Department. As of the date of this approval, the parking in-lieu fees for the conversion of two spaces would be \$10,751.71.

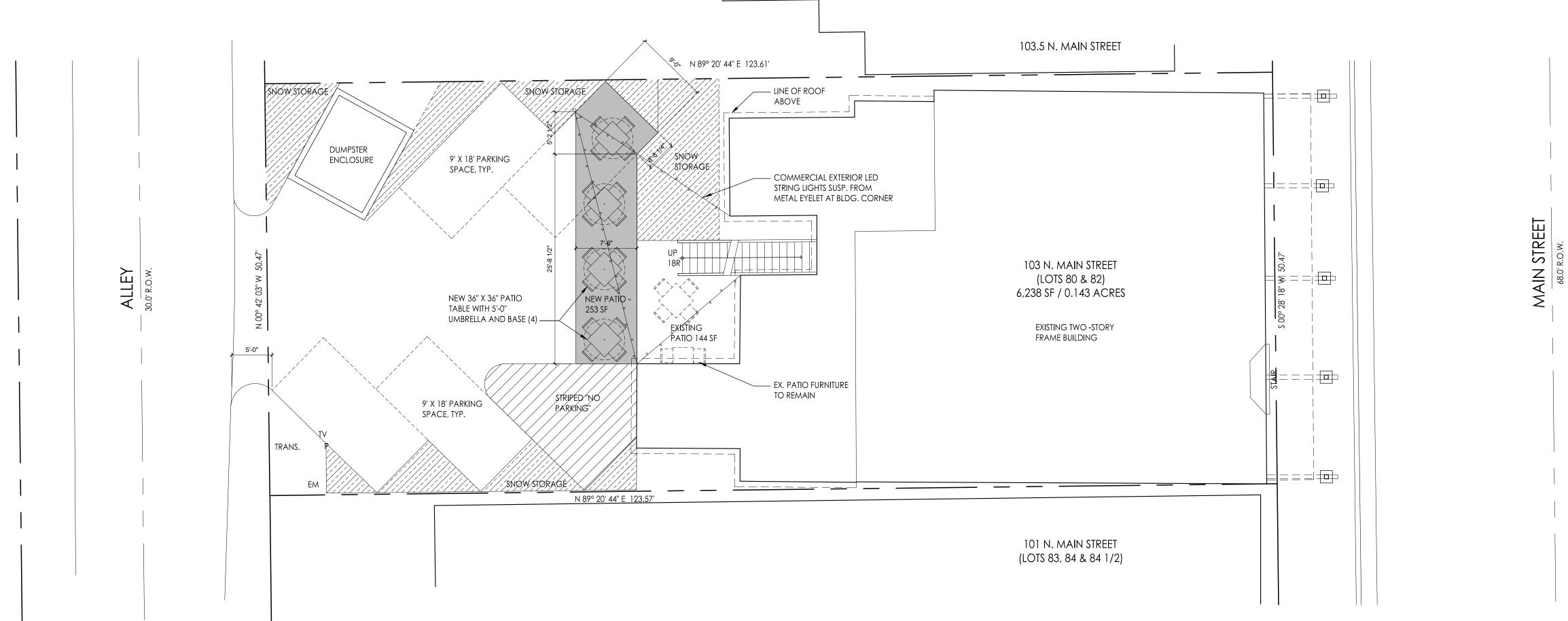
PRIOR TO ISSUANCE OF A BUILDING PERMIT OR IMPLEMENTATION OF THE CHANGE OF USE

- 17. Payment of applicable Water Plant Investment Fees and Parking Service Area Fees must be made in accordance with Condition 7 above.
- 18. If applicable, Upper Blue Sanitation District sewer tap assessments shall be updated and paid prior to issuance of a building permit and prior to the new use of the property.
- 19. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.





STRING LIGHT SPECIFICATION



SITE PLAN

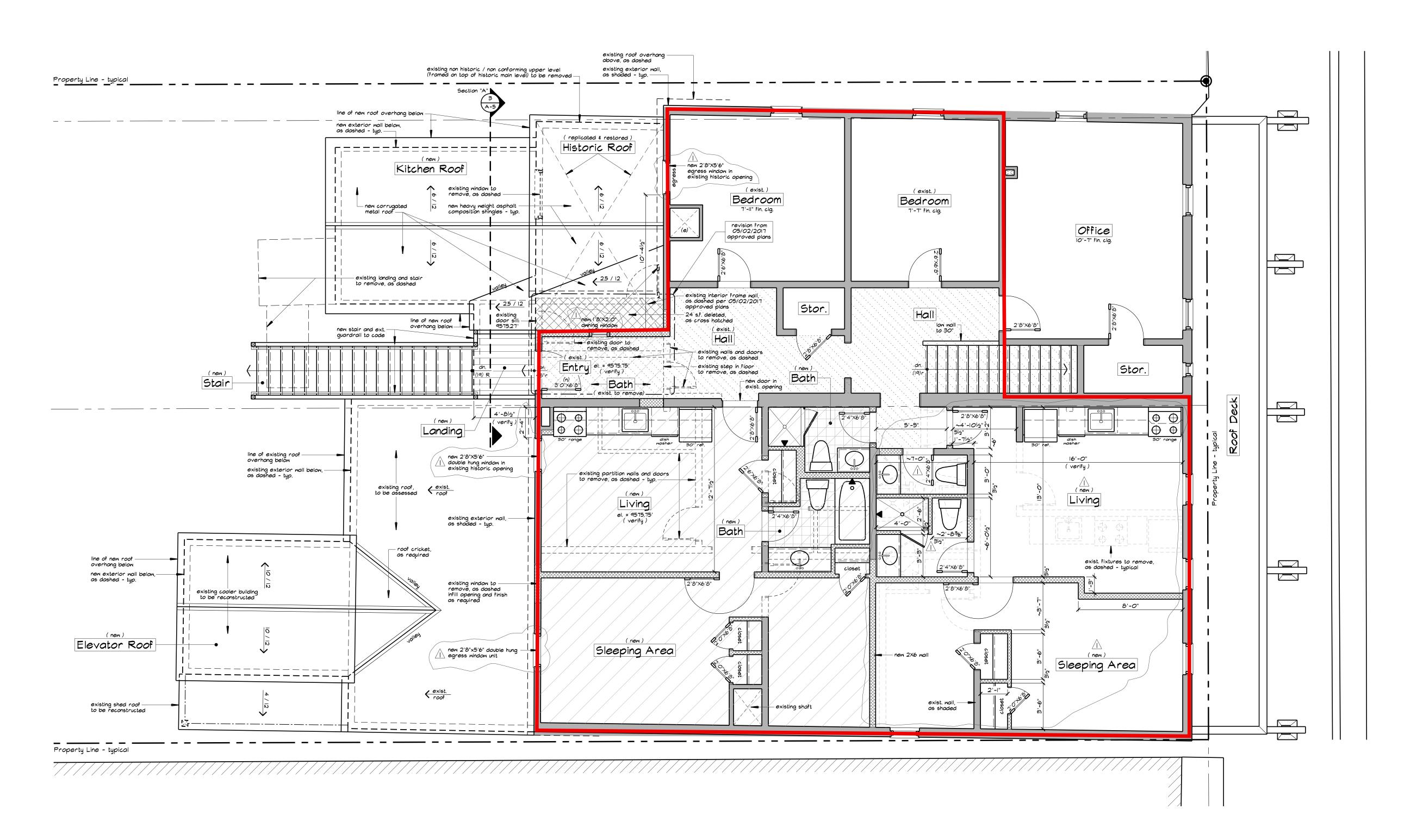
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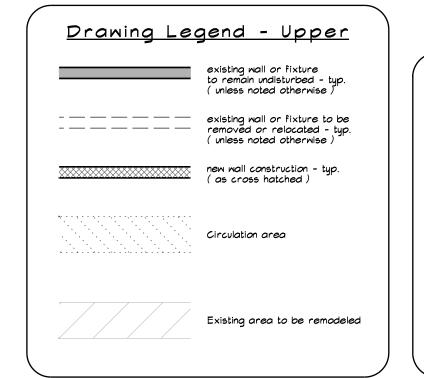
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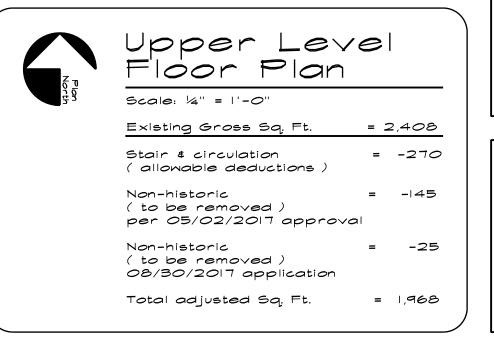
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architectural consultation

Gold Pan Saloon Proposed Exterior Food and Beverage Existing Site Conditions



Site looking north



Site looking northeast



Site looking east

Planning Commission Staff Report

Project Manager: Clif Cross, Planner I

Date: October 25, 2022 (or meeting of November 1, 2022)

Subject: Climax Jerky Wagon Small Vendor Cart Permit Renewal

(Class C-Minor; PL-2022-0485)

Applicant/Owner: Brooke Comai / Climax Jerky, Inc.

Proposal: To renew the existing small vendor cart permit for Climax Jerky, Inc., a retail

business that sells a variety of dried meats, known as "jerky". The company has operated in Breckenridge since 2008. The existing vendor cart is 8'4" long, 4'4" wide and about 8' tall, 35.69 sq. ft. total. The wagon is made of fiberglass but is

wrapped with wood finish.

Address: 100 S. Main Street

Legal Description: Lincoln West Mall

Site Area: 0.395 acres (17,230 sq. ft.)

Land Use District: 19: Commercial

Historic District: Commercial Core

Site Conditions: The property is developed with the Lincoln West Mall, a mixed use two-story

building with primarily retail and office uses. The main entrance to the mall is from the northwest corner of the building, at the intersection of Main Street and Lincoln Avenue. The area which the cart is located is a flat concrete and brick plaza. There is a platted "Food and Beverage Cart" area in the plaza, designated on the plat as "LCA 6A" (Limited Common Element, assigned to unit 6A).

Adjacent Uses: North: Main Street and Breckenridge Towne Square Mall (Retail/Restaurant)

South: Retail Uses

East: Briar Rose Chop House

West: Main Street and Retail Shops

Item History

The existing Jerky Wagon has been in this location since 2008. Prior to 2008, other vendors have used this location for vending food and beverages, dating back to at least 1992.

In March 2012, the Town Council adopted a revised Vendor Cart policy in the Development Code to address the new and existing vendor carts in town. The Vendor Cart Policy 49 (Absolute) sets design standards for both large and small vendor carts. This proposal is for a small vendor cart. Since it is less than 40 square feet, the cart will continue to be removed from the site each day after operations end. The existing vendor cart permit was modified for a change in cart design on November 6, 2018.

Staff Comments

This project has been public noticed in accordance with Section 9-1-5 Definitions Vendor Cart, Small (H):

H. Vendor carts, small. A small vendor cart shall be processed as a class C development permit with public notice requirements per a class B development permit.

Land Use (Policies 2/A & 2/R): Vendor carts are only allowed in Land Use Districts that allow or recommend commercial uses. This property is within Land Use District 19, which recommends commercial uses.

Per the Breckenridge Land Use Guidelines, District 19: District 19 is the community focal point and primary center of commercial activity, prominent for its historic character. It is preferred that the District remain a center of retail trade and services, with a pedestrian orientation. Commercial activities, particularly those which contribute to the solidarity of the central business district are encouraged. Ideally, this includes retail trade uses which are associated with pedestrian traffic areas.

Staff believes this proposal meets the guidelines established for Land Use District 19. There have been no issues since the cart was located here 11 years ago. Also, considering that the condominium plat for this property specifically shows a food vendor cart in this location, staff finds the use appropriate.

Vendor Carts (Policy 49/A): This policy addresses all of the aspects of vendor carts, including architecture, materials, colors, seating, signage, extension cords, storage, etc. If items are not addressed by this policy, then other polices may apply. Where this policy is more restrictive, then this policy applies.

The existing vendor cart has been located here with the same design for the past four years. A previous cart of similar design was in the same location for 10 years. The cart is constructed of fiberglass and wrapped with a wood finish. Staff finds the wagon to meet the character requirements. The wagon is on rubber wheels, but the applicants will also continue to add decorative wagon wheels, as they have done previously (not used during transport), to add character to the wagon and screen the functional wheels.

A maximum of four Small Vendor Carts may be permitted within the Conservation District. Presently, the Jerky Cart is one of two permitted Small Vendor Carts in the District.

Following are the vendor cart general design standards:

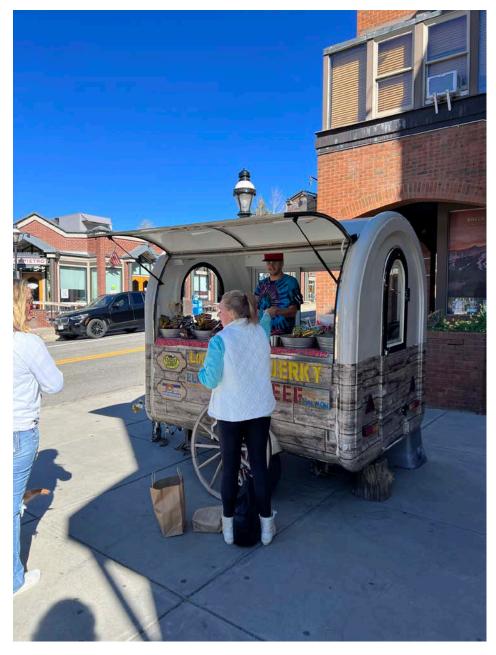
- **1. General Design Standards Within the Conservation District:** *The following general design standards apply as indicated to large vendor carts and small vendor carts located within the Conservation District:*
 - A. All large vendor carts and small vendor carts shall be designed to blend in with the existing historic character. This shall be accomplished through the proper use of architecture, materials and site planning. In the Conservation District, large vendor carts shall complement the surrounding building character through the use of high quality materials and detailing. Placing a large vendor cart in an unfinished vacant lot with no site improvements is prohibited.

The proposed vendor cart is on a developed lot. The cart is designed like a covered wagon, which has been found by past Planning Commissions to be appropriate to the history of the western United States and the Town.

B. All large vendor carts and small vendor carts must be constructed of professional quality for use as a food vending cart.

The Jerky Wagon is constructed of quality materials. All of the food sold from the wagon is pre-packaged off-site.

C. All large vendor carts and small vendor carts must be maintained in good working condition with no broken or rusty parts. All exterior materials must be kept clean and in a neat appearance. No rusty or broken metal or chipped or broken wood is allowed. All exposed edges must be finished. All wood details and finishes must be suitable for long wear in an exterior location. All detailing, construction and finishing shall be done in a craftsman like manner.



The existing Jerky Wagon is in good working condition. The owner has maintained the cart in good working order over the past year. It contains no broken or rusty parts. All detailing is in a craftsman like manner.

The Jerky Wagon is one of four currently permitted vendor carts operating in the Conservation District. Two of those vendor carts in the Conservation District is classified as large vendor carts and one is a small vendor cart. The number of permitted small vendor carts is limited to four within the Conservation District.

Specific Design Standards for Small Vendor Carts:

- **B. Small Vendor Carts:** The following additional design and operational standards apply to small vendor carts:
 - 1. Small vendor carts must be located on private property. **Complies.**
 - Small vendor carts may only sell food and beverages in forms suited for immediate consumption. Complies- Only pre-packaged jerky is sold from the wagon.
 - 3. Small vendor carts must be removed from its site and properly stored out of public view each day. Complies-The wagon is removed from the property and stored off-site each night.
 - 4. If a small vendor cart is connected to the Town's municipal water system, the owner must pay water plant investment fees. If a small vendor cart is connected to the Town's municipal water system, it must also be connected to the public sanitation system. The cart is not connected to the water or sewer system.
 - 5. If a small vendor cart uses a commissary kitchen, the commissary kitchen must be identified on the vendor cart permit application. If the commissary kitchen changes during the term of the permit, the small vendor cart permit holder must notify the Director within 10 days of the date of the change. **All commissary kitchens are located outside of Breckenridge.**
 - 6. Umbrellas may be used on a small vendor cart. Tents on or at small vendor carts are prohibited. **Complies- No tents or umbrellas are proposed.**
 - 7. All signage must be attached to small vendor cart. Free standing signage on or for a small vendor cart is prohibited. **The vendor cart previously obtained a separate sign permit.**
 - 8. All storage boxes, cartons, and coolers used in connection with the operation of a small vendor cart shall be hidden from public view. **Complies- All storage is inside the vendor cart.**
 - 9. No decks, tables, or outdoor seating are allowed for a small vendor cart, except one seat for the operator of the small vendor cart. **Complies- Vendors work from inside the wagon/cart. There is no outdoor seating, except one seat on some occasions for the salesperson.**
 - 10. No external piping or plumbing is allowed. **Complies- There is no external piping or plumbing proposed.**
 - 11. Extension cords may be used for a small vendor cart only if the cord is not located in an area where the public walks, and the placement of the extension cord does not create a public safety hazard. **Complies- There are no extension cords used.**
 - 12. Small vendor carts must be on wheels. **Complies- The wagon is on wheels.**

- 13. Owners of small vendor carts must obtain and maintain in full force and effect throughout the permit a valid Town of Breckenridge business license. Complies-staff has not received any complaints and has no record of violations of the existing cart, which has a valid business license.
- 14. All signs for a small vendor cart shall be subject to the Breckenridge Sign Code. The maximum allowed sign area for a small vendor cart is 66% of the linear frontage of the cart. **Complies**
- 15. The operator of a small vendor cart shall comply with all applicable health regulations with respect to the operation of the small vendor cart. **Complies**

<u>Point Analysis (Section: 9-1-17-3):</u> Staff finds no reason to assess positive or negative points for this application.

Staff Decision

The Planning Department has approved Climax Jerky Wagon Small Vendor Cart Permit Renewal, PL-2022-0485, located at 100 S. Main Street, Lincoln West Mall, with the attached findings and conditions.

TOWN OF BRECKENRIDGE

Climax Jerky Wagon Small Vendor Cart Permit Renewal Mobile Small Vendor Cart Permit 100 S. Main Street PL-2022-0485

FINDINGS

- 1. The project is in accord with the Development Code and does not propose a prohibited use.
- 2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
- 3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
- 4. This approval is based on the staff report dated **October 25, 2022**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
- 5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **November 1, 2022,** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

- 6. 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.
- 7. 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.
- 8. This permit expires three (3) years from the original date of issuance, on **November 8, 2025** In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three (3) years, but without the benefit of any vested property right.
- 9. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made in the application.
- 10. Applicant shall meet Policy 9-1-5 49/A (B) Small Vendor Carts.
- 11. Applicant shall remove the small vendor cart from its site and properly stored out of public view at the end of each business day.
- 12. All signage must be attached to small vendor cart. Free standing signage on or for a small vendor cart is prohibited. A separate sign permit is required for this small vendor cart if altered.
- 13. 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 operational or material deviation from the approved plans and specifications without Town approval as a modification may result in the Town legal action under the Town's development regulations.

- 14. 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.
- 15. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
- 16. This permit is for the operation of one (1) small mobile vendor cart operated by the applicant. The applicant has permission to place this mobile vendor cart at 100 S. Main Street, Lincoln West Mall.
- 17. The applicant shall place the Jerky Wagon on private property in a manner that allows not only safe passage of other vehicles and pedestrians, but also safe access to the mobile vendor cart by potential customers.
- 18. Applicant shall provide a trash receptacle and recycling on the vending trailer for wrappers and other trash generated by the sale of food or drinks for sale. Applicant shall be responsible for keeping the area around the vendor cart free of trash and litter. The applicant shall not place trash in the Town's trash receptacles.
- 19. Applicant shall maintain adequate access to and from nearby buildings and sidewalks. Applicant's vendor cart shall not be placed in a way to obstruct pedestrian traffic or to become a nuisance.
- 20. Applicant shall maintain adequate insurance. Prior to issuance of a business license, a copy of the insurance policy shall be submitted to the Town Attorney for his review and approval. The policy shall include a provision requiring that the Town be notified when the policy lapses.
- 21. This permit is for one temporary vendor cart to be used only for the sale of food and beverages in a form suitable for immediate consumption. The vendor cart approved by this permit shall not be used for the sale of products, goods or services other than food in a form suited for immediate consumption. The cart shall not be used for the distribution of commercial handbills.
- 22. All items available for sale shall be contained within the vendor cart.

Planning Commission Staff Report

Subject: Father Dyer Addition and Remodel

(Class B Major, Final Hearing; PL-2022-0461)

Proposal: To expand the Church through a 635 sq. ft. addition to the non-historic part of the

existing building. The footprint of the proposed expansion area is in a portion of a non-compliant sunken terrace. The addition will accommodate an elevator, revised stairways, an expanded office and a waste and recycling room. The elevator will

allow the church to provide ADA access.

Date: October 27, 2022 (For meeting of November 1, 2022)

Project Manager: Chris Kulick, AICP

Applicant/Owner: Michael Tabb, Father Dyer United Methodist Church

Agent: Bobby Craig, Arapahoe Architects

Address: 310 Wellington Road

Legal Description: Lot 1, Block 1, Weisshorn Subdivision #1

Site Area: 0.744 acres (32,409 sq. ft.)

Land Use District: 12 - Residential - 2 Units per Acre (UPA)

Historic District: 2- North End Residential Character Area

Site Conditions: The lot is located on the corner of Briar Rose Lane and Wellington Road. The site

slopes downhill to the northwest from the corner of Briar Rose Lane and Wellington Road at an average of 5%. The property has been the home of The Father Dyer United Methodist Church since 1977. The site also features a small cabin that is located in the northwestern quarter of the site and a large paved parking area that occupies most of the western half of the site and perpendicular parking that is located immediately adjacent to Briar Rose Lane. There are three existing curb cuts, two from Wellington Road and one from Briar Rose Lane. A 10' utility easement is located along the west end of the property. In the front yard of the existing church, adjacent to Wellington Road, several mature trees exist along with several concrete

walkways.

Adjacent Uses: North: Single-family Residence (Residential)

South: Longbranch Condominiums (Residential)

East: Duplex Residence (Residential)

West: South Weisshorn Condominiums (Residential)

Density: Allowed under LUGs: Unlimited*

Existing Density: 7,906 sq. ft. Proposed Density (Includes 635 sq. ft. new): 8,541 sq. ft.

Above Ground Density:

Allowed:

At 9 UPA: 10,656 sq. ft. Proposed (5.86 UPA, Includes 635 sq. ft. new): 6,976 sq. ft.

Mass: Allowed under LUGs: 10,656 sq. ft.

Proposed: 6,976 sq. ft.

Total: Lower Level (Includes 1,565 sq. ft. Basement): 4,051 sq. ft.

 Main Level:
 3,821 sq. ft.

 Upper Level:
 416 sq. ft.

 Father Dyer Cabin:
 144 sq. ft.

 Total
 8,432 sq. ft.

* 9-1-19-3A: F. Exemption for Community Facilities And Institutional Uses:

(1) Where community facilities and institutional uses are proposed, no density shall be required to be transferred to subject property to account for the density associated with the community facility or institutional use.

Height:	Recommended:	26.0° ft. (mean)
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Existing 28.5' ft. (mean) Proposed: 25.5' ft. (mean)

Lot Coverage: Building / non-Permeable: 4,239 sq. ft. (13% of site)

Hard Surface / non-Permeable: 20,539 sq. ft. (63% of site) Open Space / Permeable Area: 7,610 sq. ft. (24% of site)

Parking: Required (1 per 6 seats, 300 seats proposed): 49 spaces

Existing: 49 spaces Proposed (No change to the seating capacity): 49 spaces

Snowstack: Required (18,377 sq. ft. of paving): 5,135 sq. ft. (25%)

Proposed: 5,585 sq. ft. (31%)

Setbacks: Front (1' allowed): 25.0 ft. (Unchanged)

West Side (1' allowed): 119.0 ft.

East Side (1' allowed): 25.0 ft. (Unchanged) Rear (1' allowed): 8.0 ft. (Unchanged)

Changes since the October 4, 2022 Preliminary Hearing

The following changes are proposed to the Father Dyer Addition, and Remodel since the Preliminary Hearing on October 4, 2022.

Submittal Materials:

- A material and color board is provided
- Colored renderings have been provided

Item History



The Methodist Episcopal Church was erected by Father John Lewis Dyer, north of the Summit County Courthouse on N. French Street in Breckenridge in 1880. It stood at that location for nearly a century, until it was moved to its present site in 1977. A large addition was then built onto the Church's west elevation in 1978-1979. The cabin, located on the north side of the parking lot, was also built by Father Dyer in 1880, reportedly to shelter two young prospectors that he had befriended. The cabin was originally located behind the Church on N. French Street, and was also moved to this location in 1977.

On June 8, 2021, the applicants obtained an approval for a Development Agreement (Council Bill No. 13, Series 2021). Prior to the approval of the Development Agreement, the Planning Commission held work sessions on June 16, 2020 and January 5, 2021 to conduct a "Fit Test" for the Development Agreement request based on a conceptual plan.

The Development Agreement led to the approval of a Class A Development Permit for a larger addition on December 7, 2021 (PL-2021-0373). With the approval and subsequent signature of the Development Permit for the larger addition the associated Development Agreement is now void. The church is not pursuing constructing that addition at this time but still wishes to retain the project's vested property rights in case they desire to pursue construction at a later date. Plan Case PL-2021-0373 is currently vested through December 14, 2024 and the applicants wish to retain that vesting independent of the current application. The current proposed project does not require any of the waivers provided in the previous Development Agreement or provide any of the public benefits listed in the Development Agreement.

On October 4, 2022, the Planning Commission reviewed the Father Dyer Addition and Remodel at a Preliminary Hearing. Below is a summary of the policies that achieved a majority consensus from the previous Preliminary Hearing. These consensus items include:

From the Development Code:

- Land Use (2/A and 2/R): Use is unchanged. The Church has been in operation on this property since 1977.
- Density and Mass (3/A, 3/R, 4/A and 4/R): Community Facilities And Institutional Uses are exempt from density and mass. Within the North End Residential Character Area above ground density is recommended at 9 UPA. As proposed, the design will feature 5.86 UPA of above ground density which is lower than the recommended 9 UPA.
- Building Height (6/A & 6/R): As proposed, the greatest height of the proposed addition is 25.5' above grade as measured to the mean of the north gable to the sunken terrace below. This is below the recommended building height of 26' (two-stories) for Land Use District 12.
- Placement of Structures (9/A 9/R): The proposed development meets all absolute and relative setbacks.
- Snow Removal and Storage (13/R): The applicants propose 5,585 sq. ft. (27%) of snow stacking for the 20,539 sq. ft. of impervious surfaces.

- Refuse and Recycling (15/A & 15/R): A new 54 sq. ft. trash and recycling room is included in the lower level of the proposed addition.
- Access / Circulation (16/A & 16/R; 17/A): Vehicular access to the site is via two curb cuts off of Wellington Road and one curb cut off of Briar Rose Lane. Pedestrian access is provided via the sidewalk along Wellington Road.
- Open Space (21/R): 24% of the site is retained as open space, this is above the minimum of 15% non-residential sites are required to provide. The overall amount of open space is unchanged with this application.
- Parking (18/A & 18/R):
 - o 49 parking spaces are required and 49 parking spaces are proposed.
 - o The Town Engineering Regulations prohibit the backing onto public streets and only allow for a single curb cut per lot unless permitted by the Town Engineer. In response to this application, the Town Engineer is supportive of providing a waiver of the Town of Breckenridge Engineering Regulations: "10-2-1-7 Access Control," and 5.4 of the Town of Breckenridge Street Standards. The Engineering department supported this waiver because the perpendicular parking adjacent to Briar Rose Lane has been used for over 40 years without incident. They also felt the two curb cuts on Wellington Road aided circulation through the site and found the third access point off Briar Rose Lane is primarily used as a service access, provides access to a low service road and has been used without incident throughout church's history. In making this determination the Town Engineer factored in the limited scale of this proposed addition and stated that a larger addition in the future would necessitate eliminating one of the site's access points.
- Plant Material & Landscaping (22/A & 22/R): The plan does not propose to disturb any vegetation or require the removal of any existing trees. No new landscaping is proposed in addition to the eight mature aspen, four mature spruce, three mature cottonwood trees and various native shrubs that will be retained around the perimeter of the property.
- Utilities Infrastructure (26/A & 26/R; 28/A): All necessary utilities are located onsite and in the adjacent ROWs.
- Drainage (27/A & 27/R): Positive drainage from the structure is proposed.

Historic Standards (24/A & 24/R):

- Priority Design Standard 37.5: The location of the addition allows the historic structure to remain prominent on the site as viewed from the primary street frontage.
- Priority Design Standard 80: The 635 sq. ft. proposed addition, is well below the North End Residential District's "one additional module of average size", which is 1,500 sq. ft. in the North End Residential District.
- Priority Design Standard 81: The proposed height of the addition is similar to what is found historically in the North End Residential Character Area and is setback more than 100' from Wellington Road.
- Priority Design Standard 88: Since the addition is setback substantially from the front façade of the historic church (58'), the lot frontage is unchanged from the existing conditions.
- Priority Design Standard 95: The proportions of window and door openings are similar to historic buildings in the area.
- Priority Design Standard 96: The ratio of solid to void is similar to those found on historic and supporting buildings in the character area.
- Priority Design Standard 141: The roof design features a primary north/ south oriented gable with a second gable feature that connects the proposed addition to the building to the east. The

- design also features a small shed roof element over the proposed addition's north entrance. All proposed roof forms are typical of those found in the North End Residential Character area.
- Priority Design Standard 142: The proposed addition is setback from the street and the front façade of the historic church, and is 10' lower than the ridge height of the historic church.
- Priority Design Standard 144: Since the addition is setback substantially from the front façade of the historic church (58'), the lot frontage is unchanged from the existing conditions.
- Design Standard 148: The proposed windows and doors are similar in size and shape to those used traditionally.
- Design Standard 151: The property features 5 mature spruce trees along the front of the property, adjacent to Wellington Road.
- Design Standard 152: The property features three mature cottonwood trees adjacent to Wellington Road.

Staff Comments

At this Final review, staff would like to address any remaining issues.

The Social Community (24/A):

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

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

Building Materials: The proposed addition is sided with lap wood siding in the same dimension as the historic church. The north façade of the existing addition, between the historic church and the new addition, is proposed to be resided with painted vertical 1" x 6" siding. The location of the siding and corresponding belly band on the proposed addition is consistent with the design that was previously approved in December 2021.

Priority Design Standard 145 states "Maintain the present balance of building materials found in the Character Area." and further emphasizes;

- "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."
- "Modular panel materials are inappropriate."
- "Masonry (brick or stone) may only be considered as an accent material. Stone indigenous to the mountains around Breckenridge may be considered."
- "Logs are discouraged."

• Rough-sawn, stained or unfinished siding materials are inappropriate on primary structures.

Pre-rusted corrugated metal wainscoting is proposed to cover the base areas of the addition. Metal wainscoting has been used on many projects within the historic district and therefore its use complies with Priority Design Standard 145 even though staff believes a stone cover would be more visually appealing. The total amount of metal proposed covers 23% of the southern façade which extends down to the sunken terrace. Since the amount of metal does not exceed 25% on that façade, negative points are not warranted under Policy 5/R. The remainder of the proposed materials also abide with the Handbook of Design Standards. Does the Commission agree?

The proposed roofing material for the addition consists of composite shingles to match existing and complies with Priority Design Standard 146. Staff has no concerns with the proposed roofing materials.

Point Analysis (Section: 9-1-17-3): At this final review, staff finds all Absolute Policies and Priority Design Standards are being met with a waiver from the Town Engineer of the Town of Breckenridge Engineering Regulations: "10-2-1-7 Access Control," and 5.4 of the Town of Breckenridge Street Standards. Staff recommends a total cumulative score of zero (0) points under the Relative Policies of the Development Code.

TOTAL: Cumulative score of positive zero (0) points.

Planning Commission Questions:

Based on staff's analysis, we have the following questions for the Commission:

- 1. Building Materials: Staff finds the proposed materials comply with Priority Design Standard 145 and 146. Does the Commission Concur?
- 2. Does the Commission have any additional comments on the proposed project design or point analysis?

Staff Recommendation

Staff recommends approval of the Father Dyer Addition and Remodel, located at 310 Wellington Road (PL-2021-0373), showing a passing cumulative score of zero (0) points along with the attached Findings and Conditions.

	Final Hearing Point Analysis			
Project:	Father Dyer Addition, and Remodel	Positive	Points	0
Plan #	PL-2022-0461		=0	
Date:	11/1/2022	Negative	Points	0
Staff:	Chris Kulick, AICP, Planning Manager	Total	Allocation:	
	Items left blank are either not			
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies	0	Nonconforming use within Residential District, but the Church has been in operation here since 1977.
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies	n/a	This policy was waived per Development Agreement.
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)	n/a	This policy was waived per Development Agreement.
5/A	Architectural Compatibility / Historic Priority Policies	Complies		J
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		Metal less than 25% per façade.
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	Building Height	Complies		Height of proposed addition is less than historic church and does not exceed 26' from existing grade which is allowed in LUD 12.
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District	, ,		
6/R	Building Height Inside H.D 23 feet	(-1>-3)	0	NA
6/R	Building Height Inside H.D 25 feet	(-1>-5)		NA
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges For all Single Family and Duplex Units outside the Conservation District	1x(+1/-1)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R 7/R	Site and Environmental Design / Site Design and Grading Site and Environmental Design / Site Buffering	2X(-2/+2)		
7/R 7/R	Site and Environmental Design / Site Bullering Site and Environmental Design / Retaining Walls	4X(-2/+2) 2X(-2/+2)		
	Site and Environmental Design / Driveways and Site	4X(-2/+2)		
7/R 7/R	Circulation Systems Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R 7/R	Site and Environmental Design / Site Privacy Site and Environmental Design / Wetlands	2X(-1/+1) 2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies	0	All proposed structures are not located closer than 1' from the property line.
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs Snow Removal/Storage	Complies Complies	0	5,585 sq. ft. (27%) of snow stacking for the
13/A 13/R	•	· ·		20,539 sq. ft. of impervious surfaces.
13/R 14/A	Snow Removal/Storage - Snow Storage Area Storage	4x(-2/+2) Complies		
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15/A	Refuse	Complies		A new 54 sq. ft. trash and recycling room is included in the lower level of the proposed addition, adjacent to the kitchen and fellowship hall.
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A 18/A	External Circulation Parking	Complies	0	49 parking spaces are required and 49 parking spaces are proposed. The Town Engineer is supportive of providing a waiver of the Town of Breckenridge Engineering Regulations: "10-2-1-7 Access Control," and 5.4 of the Town of Breckenridge Street Standards.
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2+2)		
19/A	Loading	Complies		
19/R	Loading	1x(+1)		
20/R	Recreation Facilities	3x(-2/+2)		
21/R 21/R	Open Space - Private Open Space	3x(-2/+2)	0	24% of the site is designated as open space.
22/A	Open Space - Public Open Space Landscaping	3x(0/+2) Complies		Eight mature aspen, four mature spruce, three mature cottonwood trees and various native shrubs that will be retained around the perimeter of the property.
22/R	Landscaping	2x(-1/+3)		Francisco de ma praparaj.
24/A	Social Community	Complies	0	Project complies with Priority Design Standards 37.5 69, 80, 81, 86, 88, 95, 96, 141, 142, 144, 145, 146, 148, 151 and 152.
24/R	Social Community - Employee Housing	1x(-10/+10)		Exempt
24/R	Social Community - Community Need	3x(0/+2)		·
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation Social Community - Historic Preservation/Restoration - Benefit	3x(0/+5) +3/6/9/12/15		
24/R	,			
25/R	Transit	4x(-2/+2)		
26/A 26/R	Infrastructure	N/A		
26/R 27/A	Infrastructure - Capital Improvements	4x(-2/+2) Complies		
27/R	Drainage Drainage - Municipal Drainage System	3x(0/+2)		
27/R	Aesthetically Attractive Detention	1x(-1/+1)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A 30/R	Air Quality Air Quality - wood-burning appliance in restaurant/bar	Complies -2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/	Obtaining a HERS index	+1		

	HERS rating = 61-80	+2	
	HERS rating = 41-60	+3	
33/R	HERS rating = 19-40	+4	
	HERS rating = 1-20	+5	
33/R	HERS rating = 0	+6	
	Commercial Buildings - % energy saved beyond the IECC minimum		
	standards		
	Savings of 10%-19%	+1	
	Savings of 20%-29%	+2	
	Savings of 30%-39%	+3	
	Savings of 40%-49%	+4	
	Savings of 50%-59%	+5	
	Savings of 60%-69%	+6	
	Savings of 70%-79%	+7	
	Savings of 80% +	+8	
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)	
	Outdoor commercial or common space residential gas	1X(-1/0)	
	fireplace (per fireplace)	` '	
	Large Outdoor Water Feature	1X(-1/0)	
33/R	PV and Solar Ready	1	
	Other Design Feature	1X(-2/+2)	
34/A	Hazardous Conditions	Complies	
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)	
35/A	Subdivision	Complies	
36/A	Temporary Structures	Complies	
37/A	Special Areas	Complies	
37/R	Community Entrance	4x(-2/0)	
37/R	Individual Sites	3x(-2/+2)	
37/R	Blue River	2x(0/+2)	
37R	Cucumber Gulch/Setbacks	2x(0/+2)	
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)	
38/A	Home Occupation	Complies	
39/A	Master Plan	Complies	
40/A	Chalet House	Complies	
41/A	Satellite Earth Station Antennas	Complies	
42/A	Exterior Loudspeakers	Complies	
43/A	Public Art	Complies	
43/R	Public Art	1x(0/+1)	
44/A	Radio Broadcasts	Complies	
45/A	Special Commercial Events	Complies	
46/A	Exterior Lighting	Complies	
47/A	Fences, Gates And Gateway Entrance Monuments	Complies	
48/A	Voluntary Defensible Space	Complies	
49/A	Vendor Carts	Complies	
50/A	Wireless Communication Facilities	Complies	

TOWN OF BRECKENRIDGE

Father Dyer Addition and Remodel Lot 1, Block 1, Weisshorn Subdivision #1 310 Wellington Road PL-2022-0461

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve this application with the following findings and conditions.

FINDINGS

- 1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
- 2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
- 3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
- 4. This approval is based on the staff report dated **October 27, 2022** and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
- 5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **November 1, 2022** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
- 6. The Town Engineer provided a waiver from the Town of Breckenridge Engineering Regulations: "10-2-1-7 Access Control," and 5.4 of the Town of Breckenridge Street Standards. The Engineering department supported this waiver because the perpendicular parking adjacent to Briar Rose Lane has been used for over 40 years without incident. They also determined the two curb cuts on Wellington Road aided circulation through the site and found the third access point off of Briar Rose Lane is primarily used as a service access, provides access to a low service road and has been used without incident throughout church's history. In making this determination the Town Engineer factored in the limited scale of this proposed addition and stated that a larger addition in the future would necessitate eliminating one of the site's access points.
- 7. The Planning Commission found that because the addition is setback substantially from the front façade of the historic church (58'), the lot frontage is unchanged from the existing conditions and thereby does not exceed the recommended 30', which complies with Priority Design Standards 88 and 144
- 8. The previously approved addition, Plan Case PL-2021-0373, is currently vested through December 14, 2024 and the applicants wish to retain that vesting independent of the approval of Plan Case PL-2022-0461.

CONDITIONS

- This permit does not become effective, and the project may not be commenced, unless and until the applicant
 accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of
 Breckenridge.
- 2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
- 3. This permit expires three years from date of issuance, on **November 8, 2025**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
- 4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
- 5. 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. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
- 7. An improvement location certificate of the height of the top of the foundation wall, and the height of the building's ridges must be submitted and approved by the Town during the various phases of construction. The final mean building height shall not exceed 26' to the mean at any location.
- 8. Applicant shall notify the Town of Breckenridge Community Development Department (970-453-3160) prior to the removal of any building materials from the historic building. Applicant shall allow the Community Development Department to inspect the materials proposed for removal to determine if such removal will negatively impact the historic integrity of the property. The Applicant understands that unauthorized removal of historic materials may compromise the historic integrity of the property, which may jeopardize the status of the property as a local landmark and/or its historic rating, and thereby the allowed basement density. Any such action could result in the revocation and withdrawal of this permit.
- 9. Applicant shall field locate utility service lines to avoid existing trees.

PRIOR TO ISSUANCE OF BUILDING PERMIT

- 10. Applicant shall submit proof of ownership of the project site.
- 11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
- 12. Applicant shall contact the Town of Breckenridge and schedule a preconstruction meeting between the Applicant, Applicant's architect, Applicant's contractor and the Town's Project Planner and Chief Building Official or appropriate Building Division staff as determined by the Community Development Director, to discuss the methods including stabilization plan, process, timeline and material and tree preservation plan for the construction plan and site disturbance.
- 13. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.

- 14. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
- 15. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
- 16. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location and type of construction fencing, all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
- 17. Applicant shall install construction fencing, and erosion control measures in a manner acceptable to the Town Engineer. An onsite inspection shall be conducted prior to issuance of a Building Permit.
- 18. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
- 19. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting, including lighting in the building's soffit, shall not exceed 15 feet in height from finished grade.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

- 20. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
- 21. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches 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 ground.
- 22. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
- 23. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
- 24. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment including those associated with the solar panels, and utility boxes on the building a flat, dark color or to match the building color. All roof mounted framing and conduit associated with the proposed photovoltaic panels must be painted a flat black color.
- 25. Applicant shall screen all utilities.

- 26. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting, including lighting in the building's soffit, shall not exceed 15 feet in height from finished grade.
- 27. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
- 28. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
- 29. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.
- 30. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
- 31. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.

(Initial Here)		





NORTH-WEST PERSPECTIVE

SOUTH-WEST PERSEPCTVIE

A-1

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FATHER DYER ADDITION

LOT 1 BLOCK 1 WEISSHORN SUB #1

310 WELLINGTON RD

TOWN OF BRECKENRIDGE, COLORADO

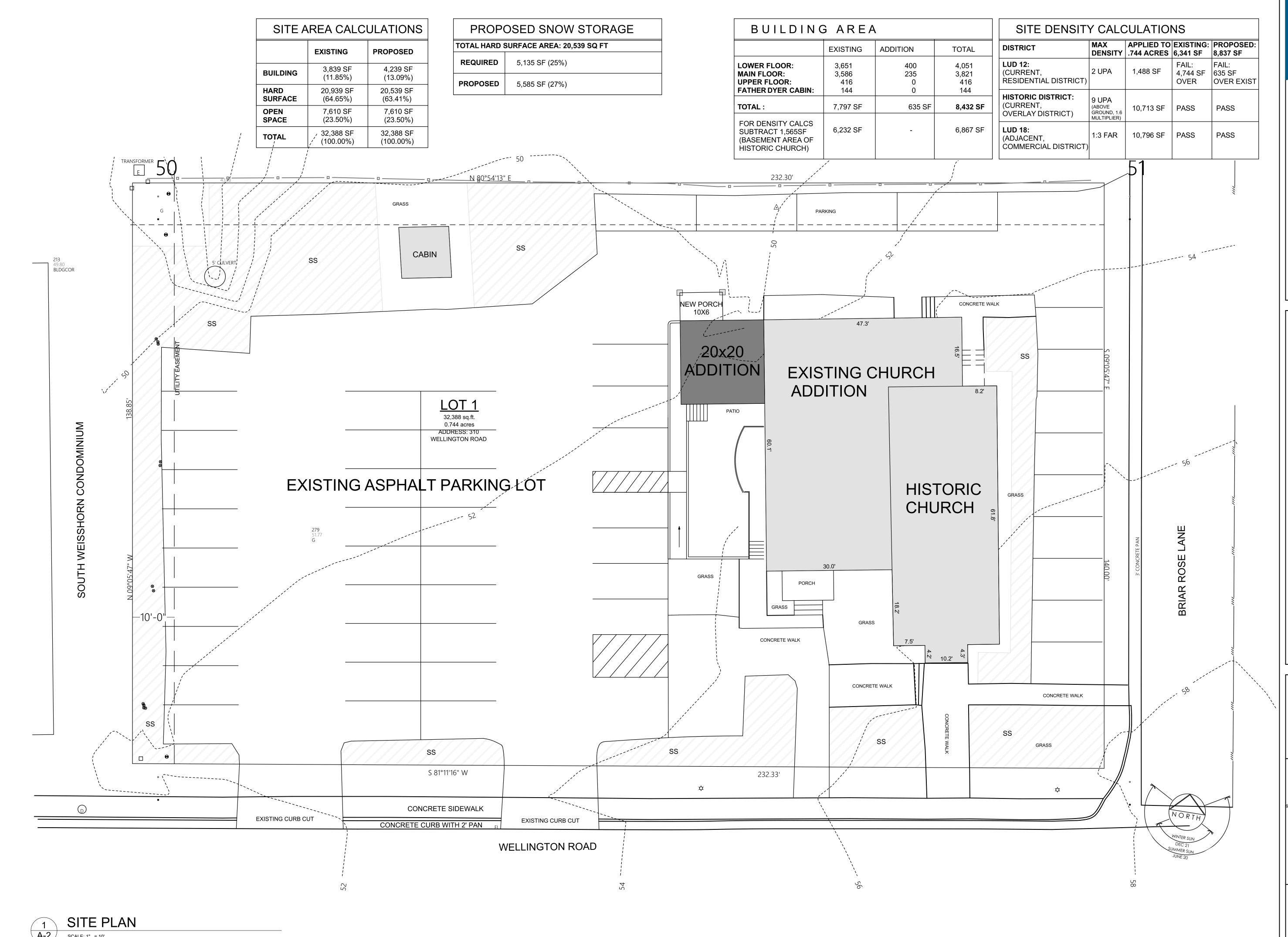
PROPOSED BUILDING PERSPECTIVE

> 1917 N BY N.I

NJ SSUE 9/09/22 - DEV PERMIT PRELI

9/22/22 - DEV PERMIT PRELIM UPDA 10/18/22 - DEV PERMIT FINAL

SHEET



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TOWN OF BRECKENRIDGE, COLORADO

PROPOSED SITE PLAN

1917 N BY NJ

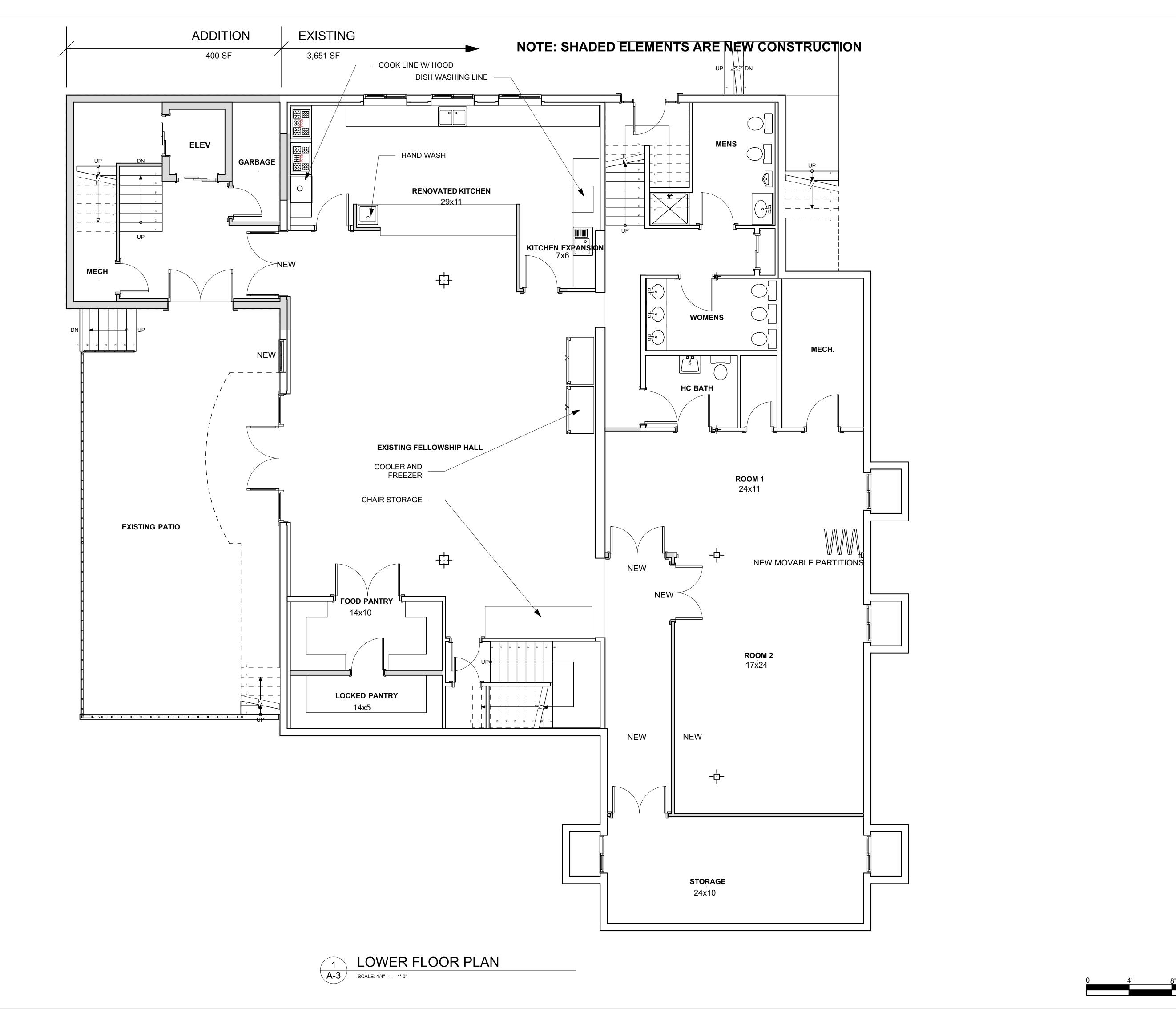
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310 WELLINGTON RD

TOWN OF BRECKENRIDGE, COLORADO

PROPOSED LOWER FLOOR PLAN

JOB 1917 DWN BY NJ

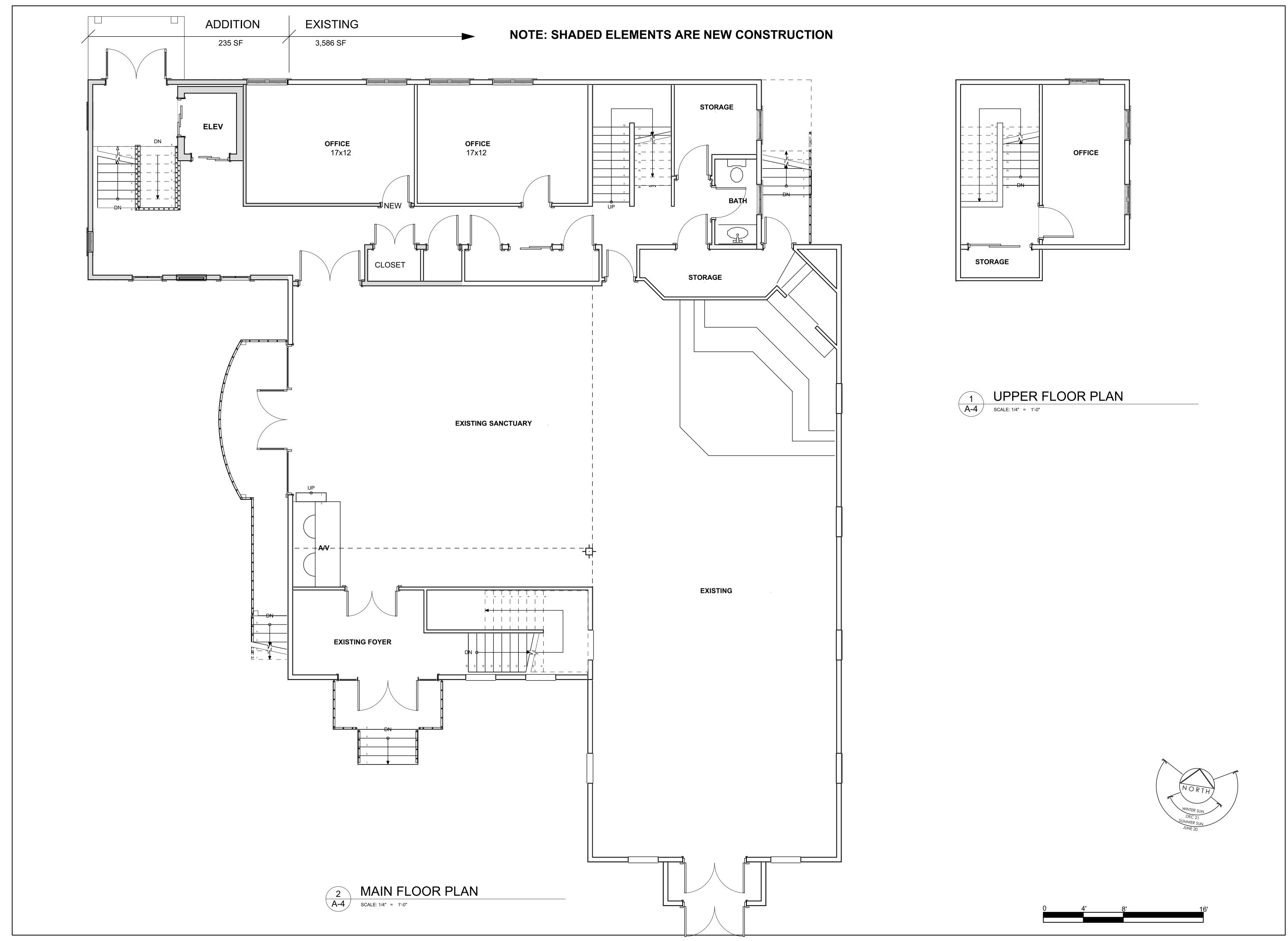
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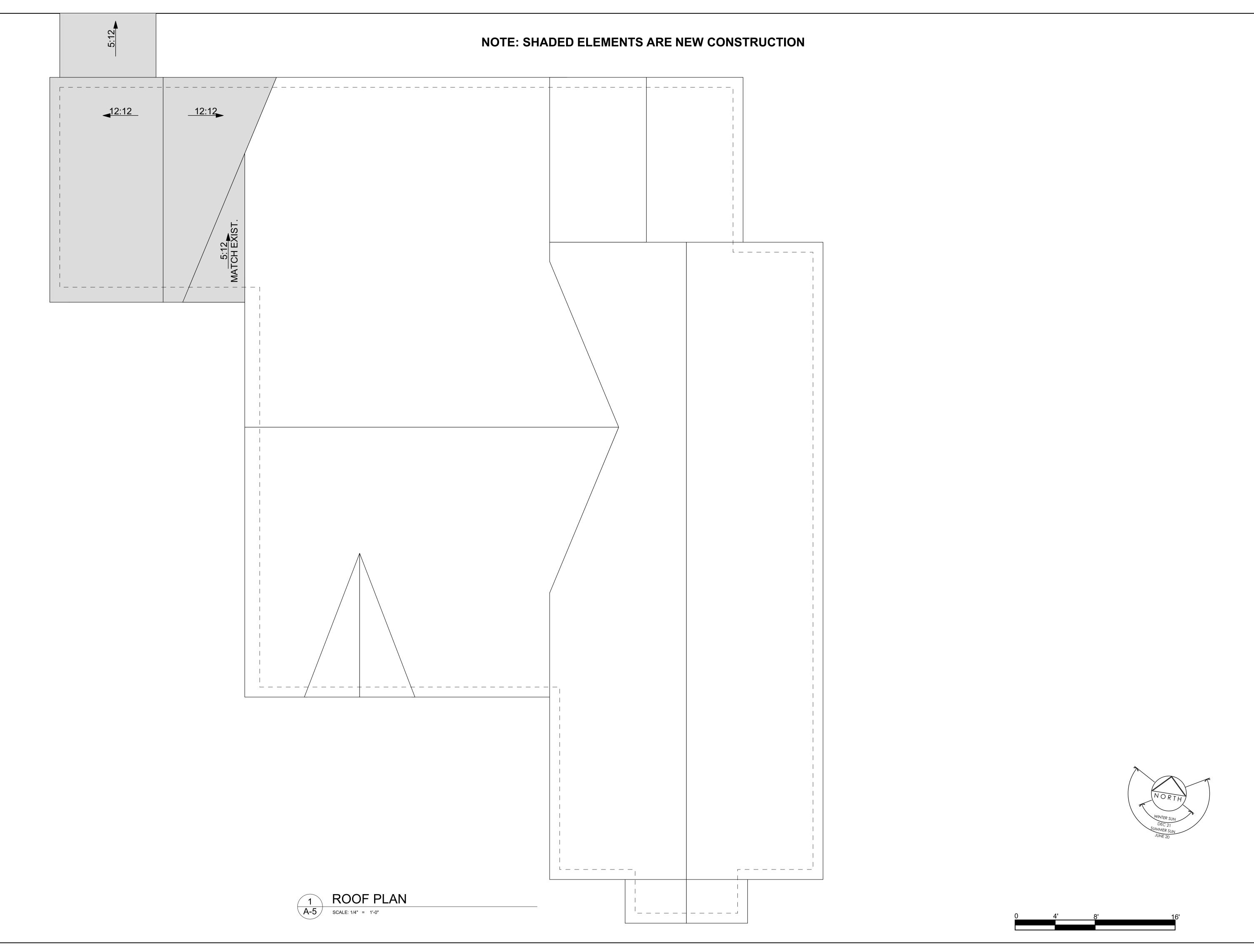
OF BRECKENRIDGE, COLORADO

PROPOSED MAIN & UPPER FLOOR PLAN

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9/22/22 - DEV PERMIT PRELIM 9/22/22 - DEV PERMIT PRELIM UPDATE 10/18/22 - DEV PERMIT FINAL



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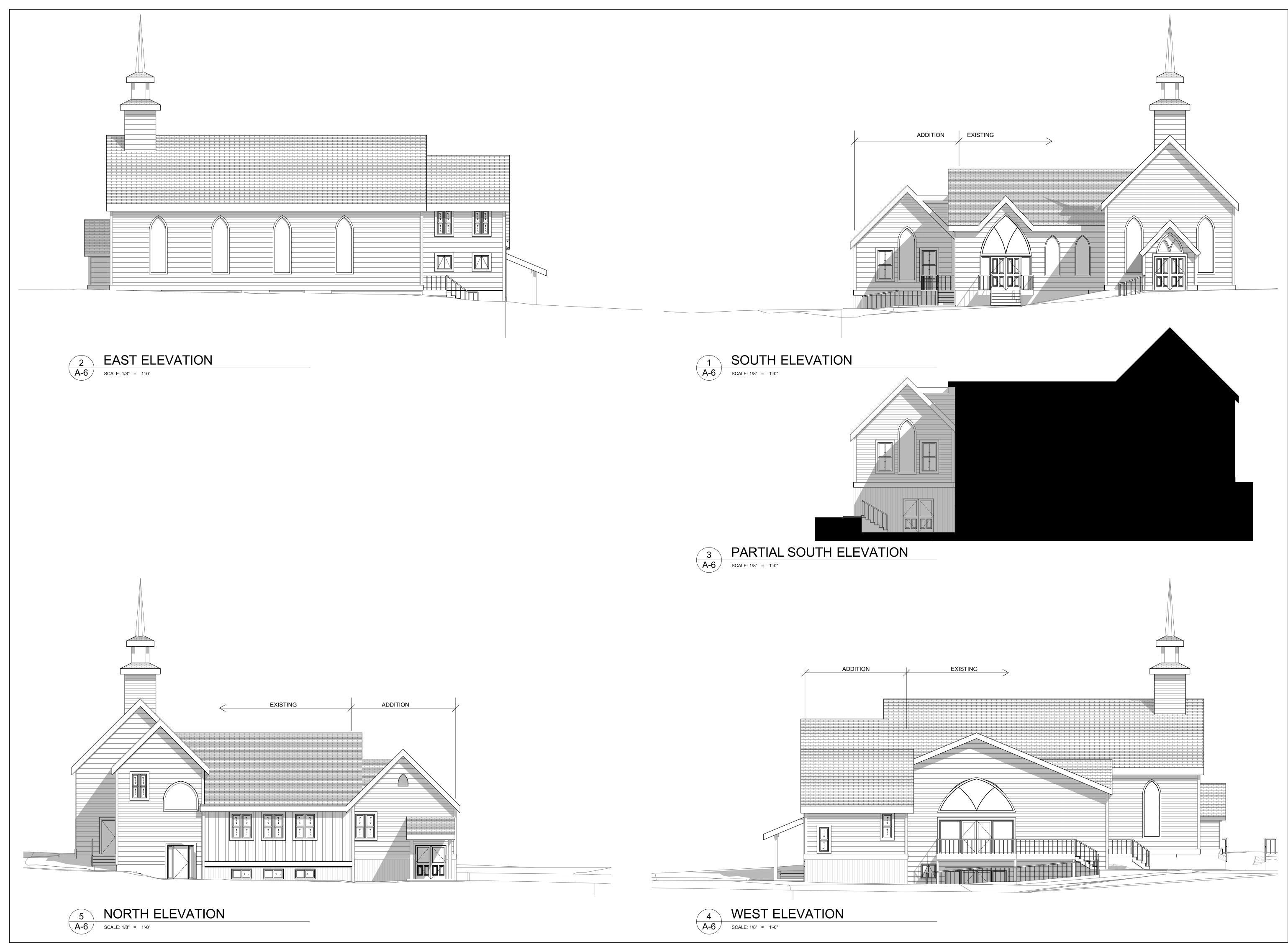
PROPOSED ROOF PLAN

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FATHER DYER ADDITION

LOT 1 BLOCK 1 WEISSHORN SUB #1

310 WELLINGTON RD

TOWN OF BRECKENRIDGE, COLORADO

PROPOSED BUILDING ELEVATIONS

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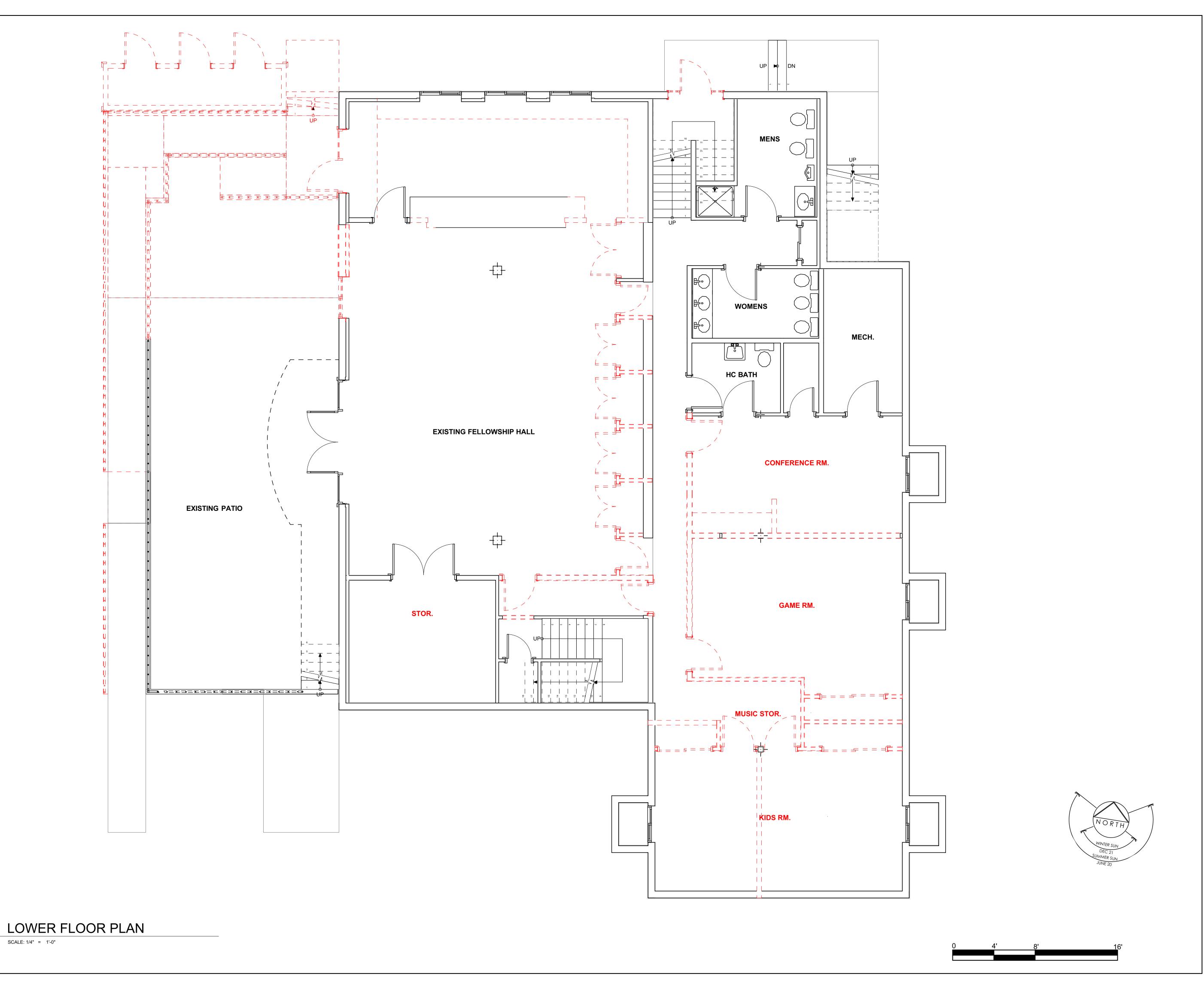
EXISTING SITE PLAN

1917 N BY

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LOT 1 BLOCK 1 WEISSHORN SUB #1
310 WELLINGTON RD

TOWN OF BRECKENRIDGE, COLORADO

EXISTING/ DEMO LOWER FLOOR PLAN

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SHEET

MAIN FLOOR PLAN

1 MAIN FLO A-9 SCALE: 1/4" = 1'-0"



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EXISTING/ DEMO MAIN FLOOR PLAN

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9/22/22 - DEV PERMIT PRELIM UPDA^{*}
10/18/22 - DEV PERMIT FINAL

SHEET



2 EAST ELEVATION
A-10 SCALE: 1/8" = 1'-0"



4 NORTH ELEVATION
A-10 SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

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



3 WEST ELEVATION
A-10 SCALE: 1/8" = 1'-0"



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FATHER DYER ADDITION

LOT 1 BLOCK 1 WEISSHORN SUB #1

310 WELLINGTON RD

TOWN OF BRECKENRIDGE, COLORADO

EXISTING BUILDING ELEVATIONS

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10/18/22 - DEV PERMIT FINAL

CUEET

Arapahoe Architects 322C N Main St Breckenridge, CO 80424

> Job Number: 1917 Date: 10/18/22

FATHER DYER ADDITION

310 WELLINGTON RD BRECKENRIDGE, CO 80424 Sheet:

COLOR BOARD

SAMPLE MATERIALS <u>COLOR</u>

ROOF

MATCH EXISTING

Composite Asphalt Shingle

FASCIA AND TRIM

MATCH EXISTING

2x Wood

PRIMARY SIDING

MATCH EXISTING

Horizontal Lap Wood 4.5" exp

ACCENT SIDING

Vertical Wood 1x6

Sherwin-Williams Historic Collection SW 2848 "Roycroft Pewter"

DOORS & WINDOWS

MATCH EXISTING

Alum. Clad Wood

MATCH EXISTING

BEAMS, COLUMNS & NEWELS

Wood

BASE Rusty Vert. Corrugated Metal

