



TOWN OF
BRECKENRIDGE

Planning Commission Meeting Agenda

Tuesday, December 6, 2022, 5:30 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

5:30pm - Call to Order of the December 6, 2022 Planning Commission Meeting; 5:30pm Roll Call

Location Map

Approval of Minutes

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Approval of Agenda

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

5:40pm - Work Sessions

1. Handbook of Design Standards Update

5

2. Code Enforcement Update

15

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 Frechter.

ROLL CALL

Mike Giller	Mark Leas	Allen Frechter	Susan Propper
Tanya Delahoz- absent	Ethan Guerra	Steve Gerard	

APPROVAL OF MINUTES

With no changes, the November 1, 2022, Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the November 15, 2022, Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No public comment.

CERTIFIED LOCAL GOVERNMENT (CLG) REPRESENTATIVE TRAINING:

Lindsey Flewelling, CLG Coordinator for History Colorado, gave an overview of the CLG program with an additional focus on defensible Planning Commission decision making and ethics.

Commissioner Questions / Comments:

- Mr. Giller: Under ex parte contact, what about the example of calling a staff member for clarification? Does that need to be disclosed? (Ms. Flewelling: It is okay to do so for fact finding but you don't want to discuss the merits of the case.) (Mr. Kulick: Our Town attorney has also stated that it is okay to contact staff for fact finding.)
- Mr. Frechter: A recent project, Tesla Solar Roof tiles, is that decision being looked at on the State or Federal level and how is it being evaluated considering the balance of historic preservation versus sustainability goals? (Ms. Flewelling: The decision is made on the local level to understand how the material fits in to the local context. More evidence might be needed before more modern materials like the solar tiles can be considered eligible for historic preservation tax credits.) (Ms. Puester: We did discuss that project with the State office when it came about.) (Ms. Flewelling: Local communities really make those decisions prior to the Federal level adopting regulations that allow for tax credits.)
- Mr. Gerard: There have been a few times when we have been mired on certain topics and would have liked to consider what History Colorado might say. Can you give an opinion on the merits of a case if asked? (Ms. Flewelling: I can advise on what guidelines might apply but cannot rule or issue an opinion on the merits.)
- Mr. Giller: What are other mountain communities considering or seeing as far as preservation issues? (Ms. Flewelling: We are seeing similar discussions on new materials when considering sustainability and fire resistance. We are seeing how this will play out over time considering the modern materials. It is up to the local government to rule on the allowance of those materials but again tax credits may not be available for projects that use modern materials. As for whether something may be eligible for credits, it depends on the specific project and whether existing materials are character defining for the historic property).
- Mr. Leas: We haven't had a discussion of preserving historic windows versus sustainability since I have been on the Commission. How would we deal with that? (Mr. Kulick: The current consensus is that preserving historic windows is the way to go. Those are

- sometimes the most defining features to distinguish historic properties and we would require those materials to be preserved).
- Mr. Gerard: As Commissioners we apply our standards to what the applicant is asking for approval; we should not worry about whether the applicant can get a tax credit.
- Mr. Giller: This issue is usually taken care of at the State or Federal level where plans are reviewed prior to construction for tax credits so the timing wouldn't be an issue and plans that don't qualify would be caught before they are implemented. (Ms. Flewelling: We see this often at the State level where an applicant applies for tax credits for a project that has been approved by a local Commission but that approval doesn't mean the project would qualify for the tax credits).
- Mr. Giller: Another frequent discussion here is the "50-year rule" and we have looked at structures from the 1950s and early ski town architecture from the 1960s; where is the State in consideration of the historic nature of those structures? (Ms. Flewelling: We are more pro-preservation of those more recent historic resources; especially those that would be representative of the development of the ski area).
- Mr. Truckey: We are seeing over the last decade that with investment and restoration in historic structures local people and workers are being displaced from downtown that were previously housed in historic dwellings. Historic preservation of our downtown district is still the right answer, but it does increase the pressure on housing stock. (Ms. Flewelling: That is an interesting topic that could be good for the Ski Town Forum; I'm sure it is a common problem).
- Mr. Gerard: Do you have comments on local landmarking? (Ms. Flewelling: Local landmarking is the only way to protect a property. The local level is where you can have the most impact on what historical structures are preserved and protected).

WORK SESSIONS:

1. Joint Upper Blue Master Plan & TDRs (MT)

Mr. Truckey provided an overview of the Transferable Density Rights (TDR) program, as well as the Joint Upper Blue Master Plan.

Commissioner Questions / Comments:

- Mr. Leas: The Town understands that adding the cost of TDRs increases the overall cost of housing for all units? It is an added cost of development.
- Mr. Frechter: Do other municipalities in the County go out and buy backcountry land like Breckenridge? (Mr. Truckey: The Town always had the foresight to purchase and protect backcountry land even if it was miles from the town boundary. Most of those acquisitions have been a 50/50 purchase with the County. Other towns in the County have not developed a similar cost sharing arrangement).
- Mr. Giller: I believe the cost of the TDRs lowers the cost of development because adding another unit of development in Town where utilities are already connected is more cost effective and a financial incentive for developers. There was voter approval related to TDRs?
- Mr. Truckey: This plan was approved by the Board of County Commissioners, Board of Trustees for Blue River, and the Breckenridge Town Council. There was voter approval for an Open Space tax in the 1990s.
- Mr. Giller: Vail, for example, has gone from a 3-story town to a 7-8 story town. This plan allows us to keep the human scale of the core of Breckenridge. Is that true? (Mr. Truckey: Yes, you can see that 2-story is maintained in the historic district and height is increased some to the west of town).

- Mr. Leas: That is a classic redevelopment argument. Other cities have passed similar height restrictions. That is an important piece to maintaining Breckenridge character that should continue. You can't have affordable housing without discussing increases of density.
- Ms. Propper: Prices for density transfer are currently the same across the board. There could be an opportunity to have a lower cost for density transfer to affordable housing projects.
- Mr. Giller: Density in Breckenridge is 85 percent built out. What percent of sending areas have been protected? (Mr. Truckey: Estimated $\frac{3}{4}$ of the privately held backcountry sending areas have been protected.) (Mr. Kulick: As we get closer to build out; you will see the remaining lots are the harder to build lots. Going forward density transfers will slow, and redevelopment will be more prevalent than developing undeveloped lots).

OTHER MATTERS:

1. Town Council Summary

ADJOURNMENT:

The meeting was adjourned at 7:35 pm.

Allen Frechter, Chair

Memo

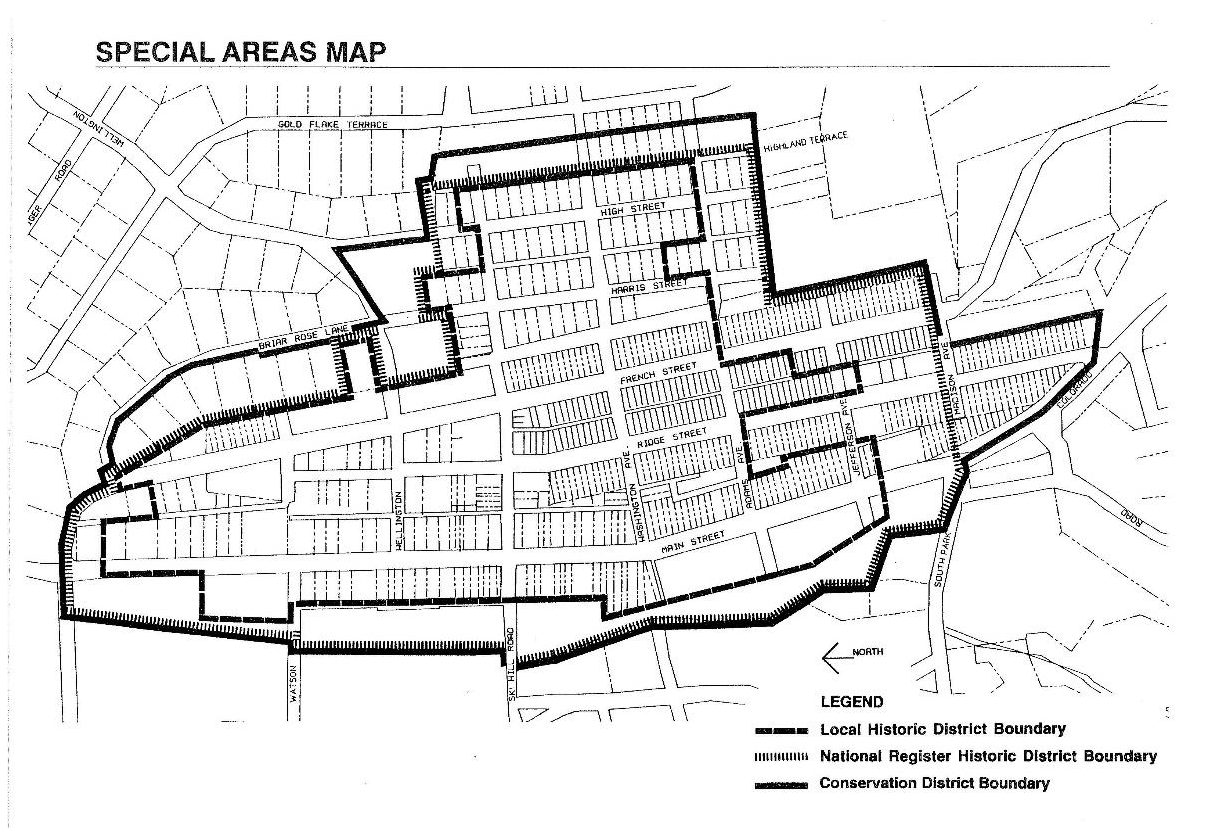


To: Town Council
From: Stefi Szrek, AICP, Planner II
Sarah Crump, Planner II
Clif Cross, Planner I
Date: November 30, 2022 (for meeting of December 6, 2022)
Subject: Work Session: Handbook of Design Standards Updates

Staff is looking to provide the Planning Commission information regarding the updates to the Handbook of Design Standards for the Historic and Conservation Districts. Given that we have some new commissioners we felt this would also be an opportunity to discuss our different historic standards and how they interact with each other and the Development Code.

Town Historic Standards

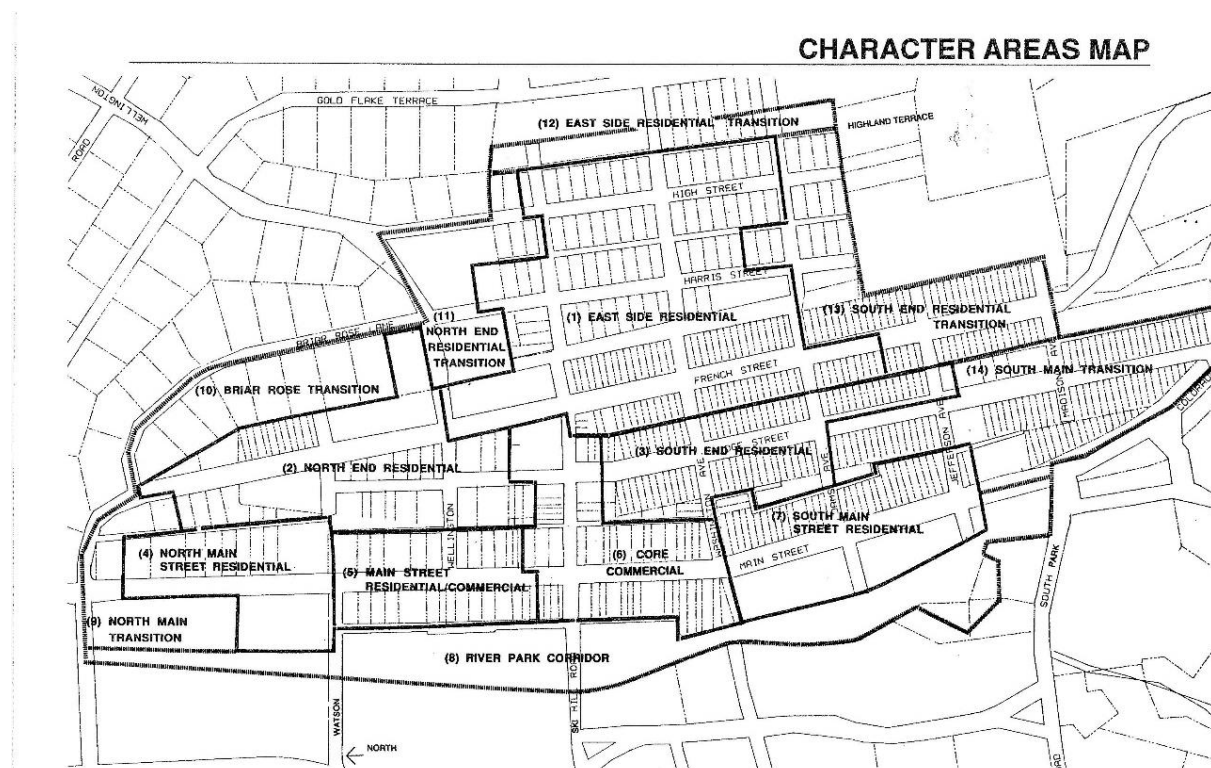
The [map](#) below outlines the boundaries of the Town's designated Conservation District. The core of the Conservation District contains the Historic District. In outlying locations adjacent to the Historic District is the Transition Area, which is also part of the Conservation District. Finally, this general area has also been designated as a National Historic District, although the nationally designated boundaries vary some from our local boundaries.



Policy 24A Section B. of the Development Code requires substantial compliance with the design standards in the Handbook of Design Standards and with the specific standards in the Character Areas and associated with the Transition Area. These documents are described further below.

Handbook of Design Standards for the Historic and Conservation Districts

The [Handbook](#) contains over 100 Design Standards related to development in the Conservation District. These include Priority Design Standards that must be complied with (similar to Absolute policies in the Development Code) or Non-Priority Design Standards where negative points can be assigned for non-compliance (similar to relative policies in the Code). The standards include sections dealing with rehabilitation of existing structures and new construction standards. As a supplement to the Design Standards, more specific standards for different [Character Areas](#) are provided. These Character Areas include East Side, North End, South End, North Main Street, Main Street Residential/Commercial, Core Commercial, and South Main Street Residential.



Handbook of Design Standards for the Transition Character Areas of the Conservation District

The Transition Character Areas, as the name implies, provides an area that transitions from the Historic District to newer areas of Town. The standards included in the Transition Character Areas are not as stringent as within the Historic District, but are intended to avoid abrupt changes in character of development between the Historic District and newer areas within Town.

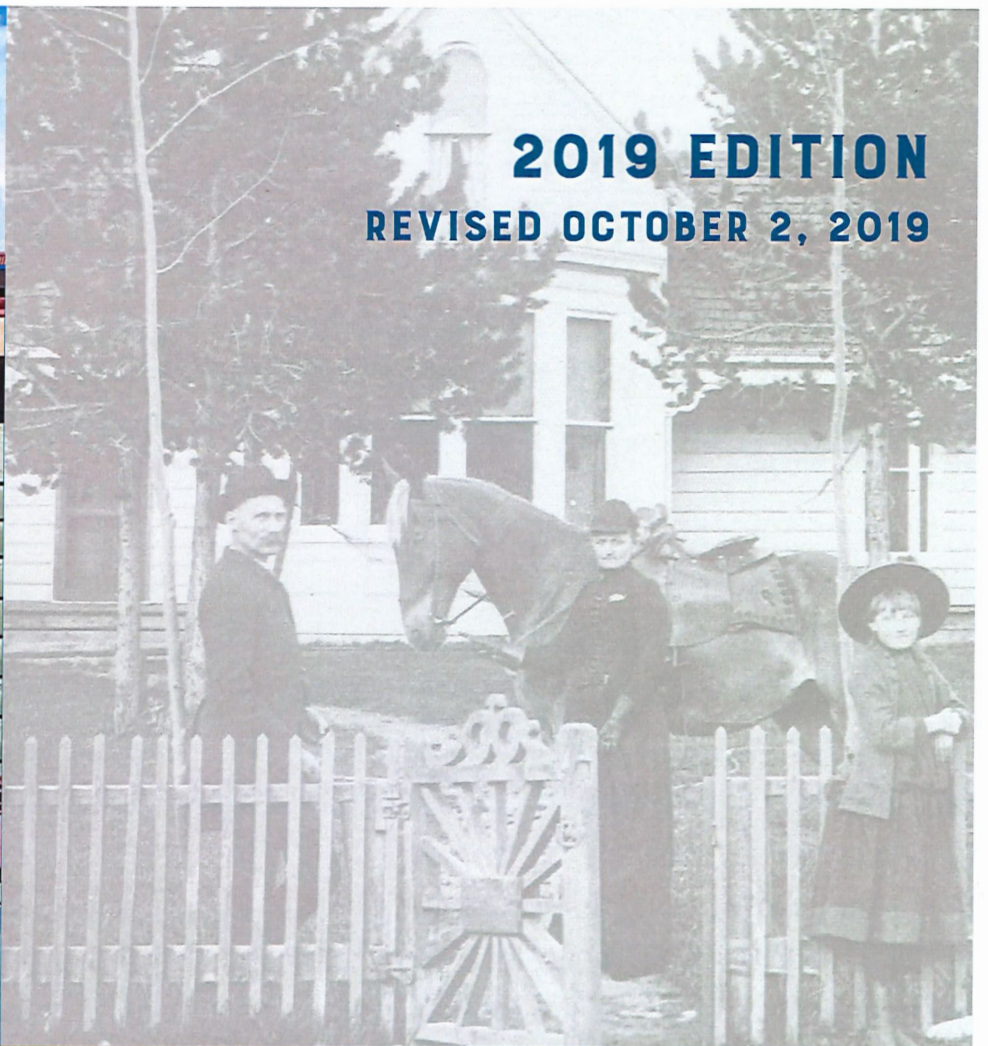
Recent Updates to the Design Standards

Staff most recently worked with David Rossi to update the handbook layout and images. Mr. Rossi has created a template layout with a few completed chapters. Staff has met with Mr. Rossi a few weeks ago for a hand-off meeting, as staff will now be finalizing the new handbook layout using the template created by Mr. Rossi.

These changes do not include any content changes to the Standards, but rather are just an update to the handbook's design and layout. There is a sample of a few sheets included in the packet. The purpose for the update was to modernize the document. The old document was not available in an editable format so all previous amendments have been awkwardly redlined into the document. With this new version, all text will be incorporated in a seamless fashion. We were also able to add more modern pictures, update the layout and design, and to provide a more readable and searchable online PDF.

Staff is hoping to have this draft completed by the end of the year. The current updates are to the main handbook only, with future updates to the layout and design of the character areas. For now, the updated handbook will link to the existing character area PDFs.

Staff will be available at the meeting to answer any questions.



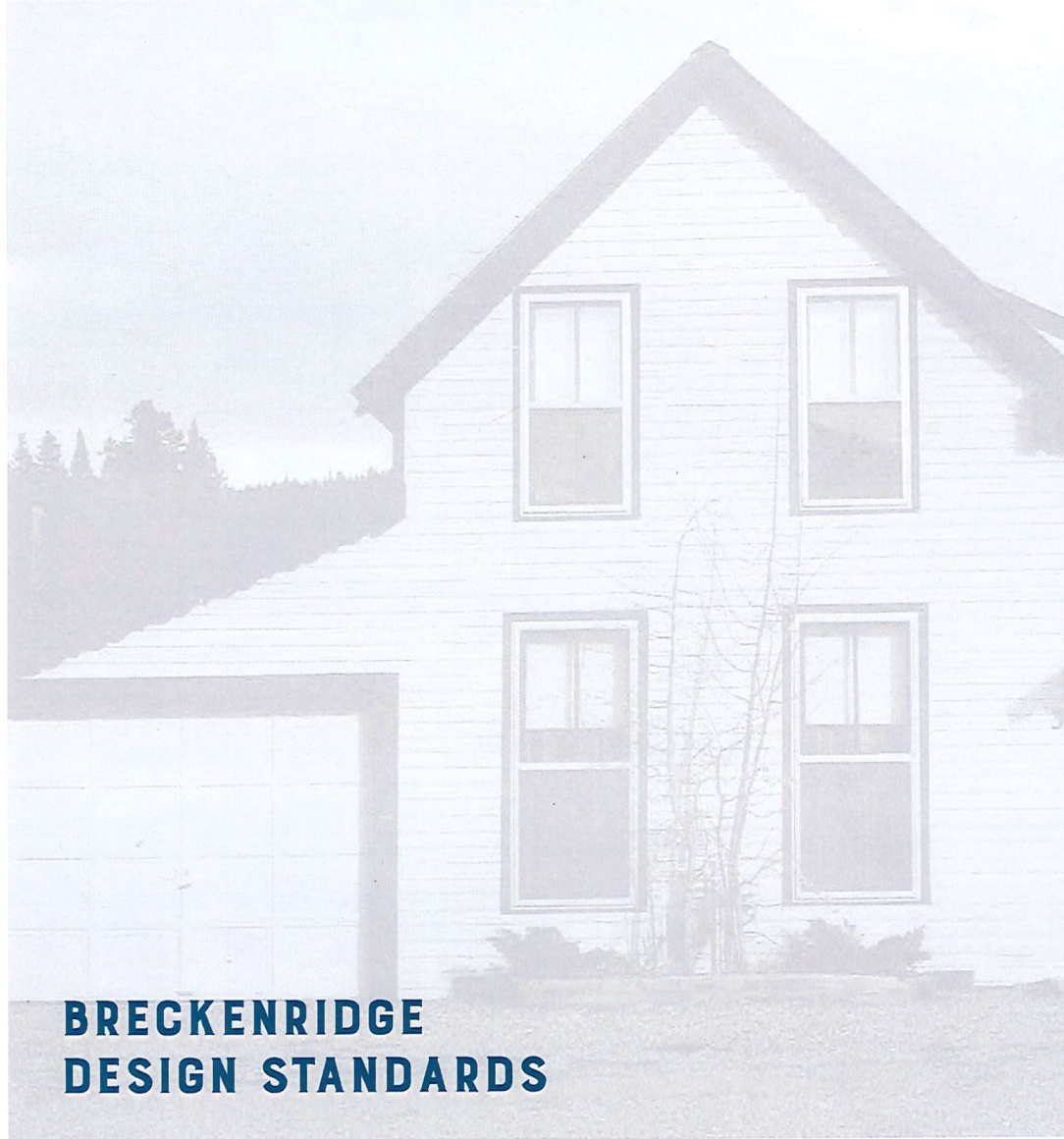
2019 EDITION
REVISED OCTOBER 2, 2019



**TOWN OF BRECKENRIDGE
COMMUNITY DEVELOPMENT**



**TOWN OF BRECKENRIDGE
DESIGN STANDARDS
HANDBOOK**



**BRECKENRIDGE
DESIGN STANDARDS**

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**DESIGN STANDARDS FOR
NEW CONSTRUCTION**

- 5.1 Designing in Context**
- 5.2 General Standards for All New Construction Project**
 - 5.2.1 Building Scale**
 - 5.2.2 Building Height**
 - 5.2.3 Building Length**
 - 5.2.4 Building Mass**
 - 5.2.5 Building Scale**
 - 5.2.6 Building Width**

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5.1

Designing in Context

New construction within the Historic District should be compatible with the character of the historic resources found there. New designs that respect the general characteristics of the historic buildings including their basic scale, form, and materials are likely to be compatible; this means that an historic style need not be copied. Although historic styles may often be compatible, new design “styles” can also respect the basic characteristics of the district and be compatible while expressing current concepts.

The design standards for new construction that follow in this chapter define those broad characteristics of the district that give it its overall sense of character and that convey the community’s history; these basic characteristics but that do so in such a way as to be stylistically distinguishable from historic buildings are preferred, because they will not confuse our ability to visually interpret the history of the community and how it has changed over time.

The Concept of “Character” in the District

The character of the district that we seek to protect is created by the surviving historic buildings. In some cases, newer buildings already exist that deviate from this established character, but in no way should these new structures be considered the context with which further development should be compatible. Reinforcing the surviving historic character is the goal, not responding to a hybrid character that is influenced by existing incompatible buildings.

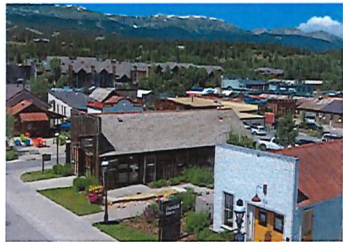


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5.2.2 Building Height

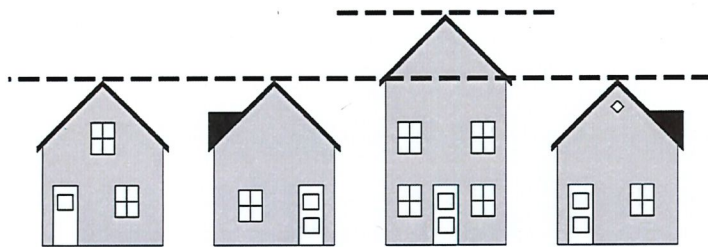
Policy Statement

Important Note: When considering building heights, also refer to the town's height ordinance, which sets limits on construction heights; note that the height limit is a maximum, which cannot be exceeded but may theoretically be achieved under certain combinations of development concepts. It is not a guaranteed, standard building height. Each project must still respect its context, and the relationship of the height of the proposed project to that of historic buildings must be considered.

Policy: Similarity with historic building heights is an important factor that contributes to the visual continuity of the district in general and to the individual character areas specifically. New buildings should not over-whelm historic structures in terms of building height, but rather should be within the range of heights historically found along the block. For instance, most outbuildings were shorter than primary buildings on site. (Ord. 32, Series 2010)

In addition to creating visual continuity, the consistent small size of most historic buildings in Breckenridge helps to establish a sense of human scale that encourages walking and contributes to the sense of community that the town enjoys. This pedestrian-friendly character is a key to the well-being of the town's residents and contributes to the economic health of the area; therefore, it should be emphasized in new buildings.

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5.2.2 Building Height

81 PRIORITY

Build to heights that are similar to those found historically.

- » This is an important standard which should be met in all projects.
- » Primary facades should be one or two stories high, no more, depending on the height recommended in the Town's Development Code and Character Area.
- » Additions to historic structures shall not exceed one half (1/2) story above the existing historic structure, up to a maximum of two (2) stories. Measurements shall be taken from the mean height of the historic structure to the mean height of the addition. For the purpose of this standard, a half story is six feet (6'). The overall mean height of the addition may not

exceed the allowed height in Policy 6 Building Height in the Development Code.

- » Secondary structures must be subordinate in height to the primary building. (Ord. 32, Series 2010)
- » The purpose of this standard is to help preserve the historic scale of the block and the character area.
- » Note that the typical historic building height will vary for each character

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The back side of a building may be taller than the established norm if the change in scale will not be perceived from major public view points.

- » This may be appropriate only where the taller portions will not be seen from a public way.
- » The new building should not noticeably change the character of the area as seen from a distance. Because of the mountain terrain, some areas of the district are prominent in views from the surrounding areas of higher elevation. Therefore, how buildings are perceived at greater distances will be considered.
- » As pedestrian use of alleys increases, also consider how views from these public ways will be affected. When studying the impact of taller

5.2.11

Architectural Details**Policy Statements**

1. If ornamental details are to be used that are similar to those used historically, they should appear to be functional in the same manner in which they originally occurred. Ornamental details should appear to perform an obvious function. Traditionally, decorative brackets were used to support overhanging cornices, for example. Today, when such details are applied, they should be used in similar ways.
2. Non-historic, small scale ornamentation should relate to the visual characteristics of neighboring historic buildings. They should be simple in their design.

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5.2.11

Architectural Details Design Standards (cont'd)

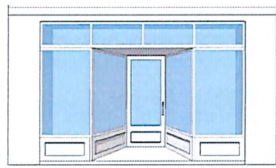


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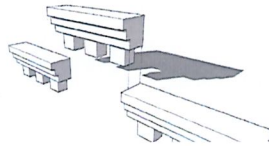


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91 PRIORITY

Use building components that are similar in size and shape to those found historically along the street.

- » These include windows, doors and porches.
- » Building components on secondary structures should be similar to those on historic secondary structures. (Ord. 32, Series 2010)

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Ornamental elements, such as brackets and porches, should be in scale with similar historic features.

- » Thin, fake brackets and strap work applied to the surface of a building are inappropriate uses of these traditional details.
- » Brackets, porches, long eaves, and other ornamental details or embellishments are inappropriate on secondary structures. (Ord. 32, Series 2010)

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Avoid the use of non-functional or ornamental bric-a-brac that is out of character with the area and secondary structures. (Ord. 32, Series 2010)

Memo



To: Planning Commission
From: Clif Cross, Planner I
Date: November 30, 2022 (for meeting of November 6, 2022)
Subject: Work Session: Code Enforcement Update (Lighting, Merchandising, Signage)

Staff is bringing a work session to the Planning Commission to provide an overview of the routine code enforcement of 9-7: *Outdoor Display of Merchandise*, 9-12: *Exterior Lighting Regulations*, and 9-15: *Signs on Private Property*. Following “Code Overview”, a brief history of enforcement over the past two and a half years is provided, including the expiration of the Managers’ Order, along with a brief review of enforcement since June 2022.

Code Overview

The routine enforcement performed by staff is of three sections of Town Code: 1) 9-7: *Outdoor Display of Merchandise*, 2) 9-12: *Exterior Lighting Regulations*, and 3) 9-15: *Signs on Private Property*. The three sections of Code combined create a framework to guide commercial activities within the Town limits and protect the unique aesthetic character of Breckenridge. Each section is briefly detailed below.

[9-7: Outdoor Display of Merchandise](#)

Per 9-7-2 of the Town Code, “*This chapter is intended to regulate displays for aesthetic purposes and to limit displays which detract from the charm of the town, create visual clutter, are annoying, and generally create a nuisance.*” Furthermore, its regulation is defined to areas of Town which are pedestrian and/or tourist oriented.

Primarily, this section of code guides the display of retail goods for shop owners along the Main Street corridor. Per the Town Code, one item of merchandise offered for sale may be displayed by a business on private property. More favorable, retail spaces offering clothing for sale may display a mannequin with a full clothing ensemble (i.e., 1 shirt, 1 skirt, 1 pair of shoes, 1 hat, etc.) instead. The use of tables, boxes, or racks is prohibited.

This section of Code also regulates the display of bicycles for rent or sale, sculptures & statues, and merchandise of historical significance.

[9-12: Exterior Lighting Regulations](#)

Per the Town Code, this chapter is intended to provide adequate light for safety and security that is efficient and effective. It also strives to reduce light pollution and provide an environmentally sensitive nighttime environment that includes the ability to view the stars against a dark sky.

Exterior Lighting within the Town of Breckenridge must be fully shielded, downcast fixtures with no portion of bulb visible. Although this chapter regulates exterior lighting for all uses

and development in the Town, it specifically guides commercial lighting usage and provides certain exemptions. Below the exemptions are detailed.

Decorative lights (a.k.a. holiday lights):

- Allowed: November 1 – the end of ski season at Breckenridge Ski Resort
- String lighting only
- May outline a building or structure; be strung in trees; or strung between commercial or mixed-use buildings or to a post or structure to form a canopy
- LED only (“warm” or “soft” bulbs), shall not blink, flash, rotate, nor create a nuisance

Bistro lights

- Allowed: May 1 - Oct. 31 only, all other times is unlawful
- Restaurants and bars only, at exterior food and beverage areas
- When your “decorative lights” go up in November, your “bistro lights” must come down
- LED only, downcast; extinguished by ten o'clock (10:00) P.M. or within one-half (1/2) hour after the close of business, whichever is later

Overhead Walkway lights

- Allowed: Year round
- To facilitate safe pedestrian traffic through pedestrian access corridor, no larger than 32 feet
- Downcast, fully shielded, LED only; extinguished by ten o'clock (10:00) P.M. or within one-half (1/2) hour after the close of business, whichever is later

[9-15: Signs on Private Property](#)

Per 9-15-3 of the Town Code, *“The primary purpose of this chapter is to create a legal framework for a comprehensive and balanced system of signage in the town. These regulations are intended to provide an easy and pleasant communication between people and their environment, and to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.”*

The Breckenridge Sign Code is a complex framework that allocates a square footage allotment based on the building frontage and provides design standards for format, dimensions, and materials. Below are the details of the guidelines as well as prohibited signs.

Sign Design Standards

- Must be constructed predominantly of natural materials. Wood or alternative materials that mimic wood grain (e.g., high density urethane) are encouraged. Metal can be used as an accent, less than 25% of sign area.
- Lighting: Downcast towards sign, shielded from vehicular travel lanes.
- Should be architecturally compatible with any building which the sign is to be attached.

- Supporting structure, conduit, and shielding shall be a flat dark color or match the building.

Prohibited Signs

- Temporary signs (i.e., banners, feather flags)
- Sandwich board signs
- Leanings signs
- Neon & internally lit signs, including within 5’ of a window (i.e., “Open” Signs)
- Electronic message signs
- Offsite signs
- Attention getting devices (i.e., flashing signs, moving signs, beacons, and lasers)

The Sign Code also provides specific guidelines for real estate signage, political signage, additional applications for commercial uses (i.e., Window signs, window wraps, and display boxes). This chapter also lays out the guidelines for Master Sign Plans which are designated for buildings that have three (3) or more separate businesses.

History

Prior to 2020, staff routinely inspected areas of the Town for compliance of the Town Code. During the first quarter of 2020 as a response to the growing threat of the Coronavirus pandemic, Town Council temporarily paused the enforcement of Sign Code regulations and changed processes to allow specific development (i.e., Firepits, Outdoor Dining, and Temporary Structures) to help mitigate the impacts of COVID-19 regulations on business owners.

The *Coronavirus (COVID-19) Public Health Emergency Town Manager Order No. 1* temporarily suspended enforcement of the following signs:

- Temporary Signs
- Internally Lit Signs
- Sandwich Board Signs
- Leaning Signs
- Banner Signs
- No limits on Window Signs

The Town Manager Order No. 7 & 9 incorporated the exemptions provided to businesses pertaining to firepits, outdoor dining, and temporary structures. The Town Manager Orders were sustained to support the local economy during the continued declared emergency by Order No. 13. This order was in effect until May 31, 2022.

Enforcement since June 2022

Since the expiration of the Town Manager Order on May 31, 2022, staff has worked hard to remove the violations that have collected around Town over the past two years. Considering the previous exemptions provided by the Town Manager Orders, common violations were sandwich board signs, temporary signage & structures, and outdoor dining spaces.

Below is an overview of the warnings and citations for each chapter of the Town Code.

	VERBAL WARNINGS <small>(NO LONGER GIVEN)</small>	WRITTEN WARNINGS	WRITTEN CITATIONS (PD)	TOTALS
SIGNS	76	69	18	163
LIGHTS	8	3	0	11
MERC	28	25	8	61
OTHER	4	3	15	22
TOTALS	116	100	41	257

Staff has provided the above information to further inform the commission on portions of the Land Use and Development Code that the commission does not work with regularly. Master sign plans, such as the recent review of the Breckenridge Ski Resort Master Sign Plan, do occasionally come to the commission for review. We welcome any questions the commission may have regarding the above information.