

Town of Breckenridge
Planning Commission Agenda

Tuesday, October 6, 2009
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the October 6, 2009 Planning Commission Meeting; 7:00 p.m. Roll Call</i>	
	<i>Approval of Minutes September 15, 2009 Regular Meeting</i>	4
	<i>Approval of Agenda</i>	
7:05	<i>Combined Hearings</i>	
	1. USPS Satellite Building (CK) PC#2009046 TBD Airport Road	13
7:45	<i>Worksessions</i>	
	1. Preservation Village at Reiling Road (MM)	18
8:15	<i>Consent Calendar</i>	
	1. Lot 1, Block 9, Breckenridge Airport Subdivision Change of Use (CK) PC#2009047 1925 Airport Road	21
	2. Entrada at Breckenridge Development Permit Modification (MM) PC#2009045 32, 36, 74 and 110 Huron Road	25
	3. Entrada at Breckenridge Subdivision Permit Modification (MM) 32, 36, 74 and 110 Huron Road (<i>Removed at the request of the applicant.</i>)	
8:25	<i>Final Hearings</i>	
	1. Carter Ridge Residence (MGT) PC#2008076 112 North Ridge Street	30
9:00	<i>Preliminary Hearings</i>	
	1. Whitehead House (Prospector) Renovation and Landmarking (MM) PC#2009042 130 South Main Street	55
9:45	<i>Combined Hearings</i>	
	1. 49 White Cloud Variance (MGT) PC#2009043 49 White Cloud Drive	69
10:15	<i>Town Council Report</i>	
10:25	<i>Other Matters</i>	
10:30	<i>Adjournment</i>	

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

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

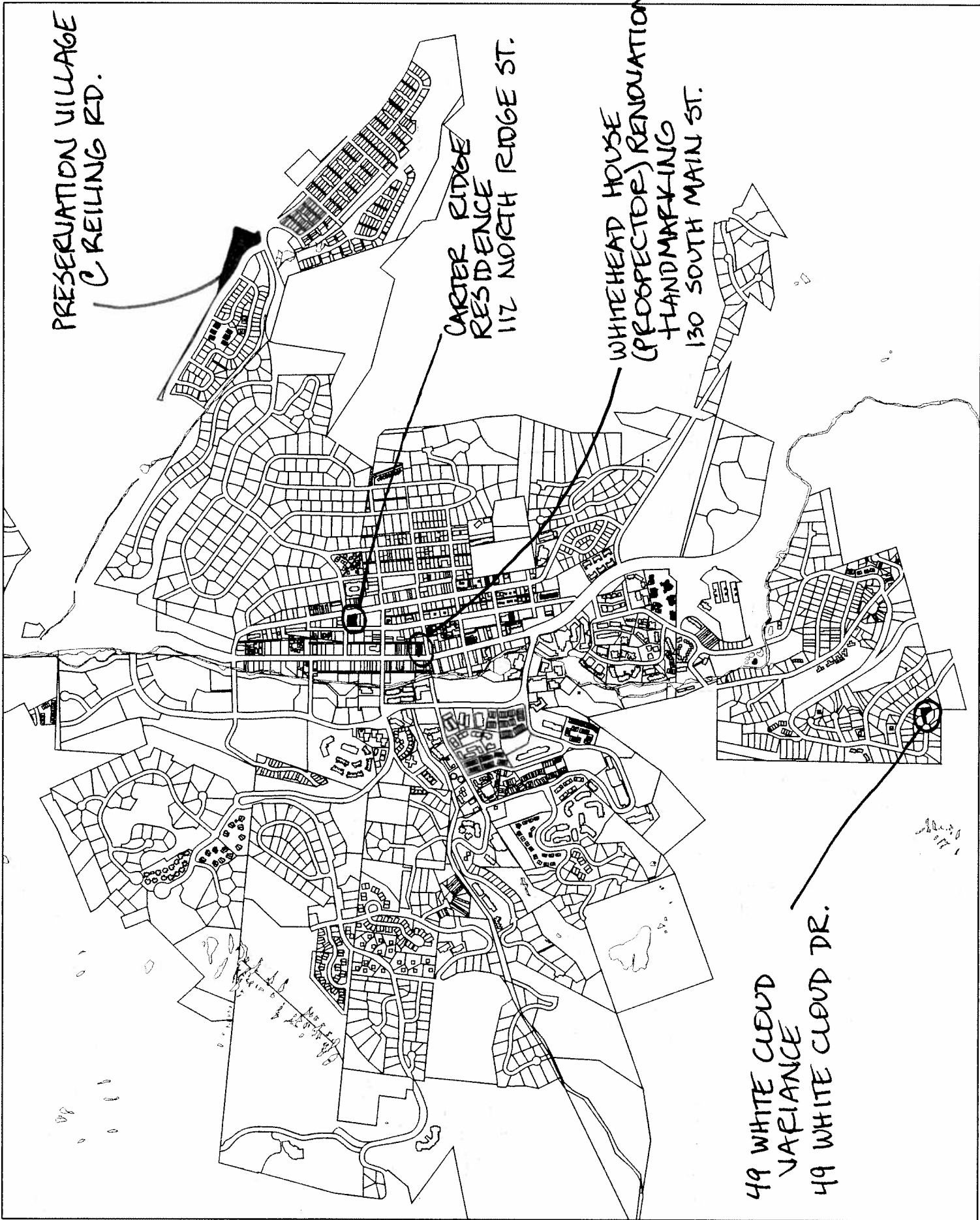
LOT 1 BLOCK 9 AIRPORT SUB.
CHANGE OF USE
1975 AIRPORT RD.

USPS SATELLITE BUILDING
AIRPORT RD
(BETWEEN 1700 + 1760)

ENTRADA AT BRECKENRIDGE
DEVELOPMENT PERMIT MODIFICATION
32, 36, 74, 110 HURON RD.



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



PRESERVATION VILLAGE
C REILING RD.

CARTER RIDGE
RESIDENCE
117 NORTH RIDGE ST.

WHITEHEAD HOUSE
(PROPECTOR) RENOVATION
+ LANDMARKING
130 SOUTH MAIN ST.

49 WHITE CLOUD
VARIANCE
49 WHITE CLOUD DR.



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

Breckenridge South

printed 2007



PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:07 P.M.

ROLL CALL

Rodney Allen Michael Bertaux Leigh Girvin
Dan Schroder JB Katz Jim Lamb
Dave Pringle arrived at 7:11

APPROVAL OF MINUTES

On page 3, during the discussion on the Carter Ridge Residence (PC#2008076) Mr. Allen recommended that the applicant work through “Mr. Stais’ comments”, not Mr. Thompson’s.

With no other changes, the minutes of the September 1, 2009, Planning Commission meetings were approved unanimously (6-0).

APPROVAL OF AGENDA

Mr. Neubecker added a worksession on the New Satellite Post Office Location as well as a discussion on the Planning Commission Field Trip to the agenda. With no other changes, the September 15, 2009 Planning Commission agenda was approved unanimously (6-0).

WORKSESSIONS:

1. Neighborhood Preservation Policy (JP & MT)

Ms. Puester presented. Staff has now crafted code language that implements the Neighborhood Preservation Policy for the Planning Commission’s review. The Code amendment would include a new absolute Policy 4 regarding floor area ratios (FAR) and maximum square footages in subdivisions without platted building or disturbance envelopes.

After Planning Commission comment on the proposed policy language, Staff plans to proceed to the Town Council on September 22nd for first reading.

Questions for the Planning Commission

1. Was the Planning Commission comfortable with the proposed policy language attached?
2. Were there any questions, suggestions or modifications that the Planning Commission would recommend to the proposed policy?

Mr. Allen opened the worksession to public comment.

Mr. Lou Fishman, Summit County Builders Association: Thanked the task force and public input approach. Support the floor area ratio (FAR) approach and think it will accomplish the goals of the policy. Do not support a size cap and feel it will set a bad precedent in the rest of the county. Concern is that if it is passed with the cap, then other Summit County jurisdictions will follow and we feel it will affect our industry. Concerned that people can’t do a lot line vacation to get a bigger home. Have concerns with property rights. Agree with the majority of the policy in principle but concerned with precedent. The County tried to start something last year which would charge extra for an impact fee with a similar policy. This is not bad for Town but worried about the snowball effect if the County picks it up. (Mr. Turk Montepare, task force member: Couldn’t this be positive in the County rather than negative? Maybe a good impact in the County and set the right direction.)

Mr. Marc Hogan, local architect: Goal of the ordinance is to preserve the neighborhood character, and the way you do that is to make sure that buildings fit in, and it relates to design, scale, and mass, not necessarily square footage. FAR is better than absolute limitation with a cap. Glad to see that basement is exempted along with garage square footage. I think you can have a small building that doesn’t fit, and a big building that fits well if it is designed well. Size limitations in Warriors Mark and Warriors Mark West seem very low, especially for duplexes. If you are over that size limit you will not be able to do another addition? (Ms. Puester: Correct, if you are at the maximum limit, you would be unable to exceed that further.) This is a problem for the neighborhood, and in fairness you should allow people with older buildings to fix their buildings up and have additions to add new square footage if it is

within the building mass that exists already. A good example would be if you had a loft area in a building, and wanted to complete the level as an entire floor with a bathroom, and you wouldn't be able to do that with this policy even though it would fit inside the existing cube of the building. This could lead to people in the future not pulling building permits. Sunbeam Estates and Trafalgar subdivisions have only one vacant lot left, maybe those subdivisions should be taken off.

Mr. Craig Campbell, local builder: This is a great example of public process and we have developed a fairly good policy based on public input. Worry that if we put caps on square footage that other jurisdictions will follow, as Mr. Fishman stated. Has the Town done a calculation to determine what the largest house is that can be built on an available lot based on the cap and FAR method? (Ms. Puester: Without the cap, some of the neighborhoods recommended FAR would allow homes up to 18,000 square feet, depending on the subdivision. This is the purpose of the cap; to allow for smaller homes to be reasonable sizes and limit the monster home from being next door.) I ask that the Town consider another method where we can achieve a compatible lot size without the cap; perhaps two FARs can be included for the subdivision to address larger lots. (Mr. Pringle: We could add building envelopes on all of these private lots, but we do not think it is possible to do that.)

Mr. Brian Whitcomb, Warrior's Mark resident: Agree with the Task Force and having a maximum cap size. Concerned with duplex sizes that are too big in Warrior's Mark. Some existing duplexes are already too big. There have been issues in the past with duplex size, and I don't want to allow existing duplexes to build on additions. We should not allow for larger duplexes. I agree with the numbers.

Mr. Turk Montepare, task force member: We took a liberal approach to coming up with the policy, and there were realtors on the task force looking at property value impacts. The cap is really in place to prevent a real anomaly, don't want to see a 10,000 square foot house in the Weisshorn. Need to be careful about throwing out the "takings" scenario. There are plenty of FAR caps in other jurisdiction's regulations. No one has ever challenged it in court. We really looked at catastrophic types of buildings that could hurt the home values of adjacent properties. We aren't seeing many homes larger than the 8-9,000 square foot mark which is a pretty high cap. I am supportive of this. I think that Mr. Hogan's idea about interior growth within the existing building mass is a good idea. Many of the lots in Warriors Mark are only 8,000 square feet, and if 1,000 square foot additions came into play then we start seeing homes being built from lot line to lot line and people don't want to see that. May tweak some of the Warriors Mark numbers. We don't want what has happened in neighborhoods in Denver where 3 story homes have been built next to ranch homes. (Mr. Pringle: I would caution the people that are against that cap that we will eventually have some issues with 10,000 square foot homes being built next to each other; blocking views, sunlight, lot line to lot line development, etc. Don't think of it as a limit on your ability to build, but an expectation of what the neighborhood will look like. You will be able to use your density. I don't think this is that restrictive.)

Mr. Jason Brewer, local Realtor: From my understanding there is no grandfather clause, and that is an issue. I think that if you have already bought in under certain pretense, you should be allowed to rebuild if the home burns down. (Ms. Puester: You are grandfathered in the development code and in this policy Section D. Will add language to the policy to clarify that.) (Ms. Katz: I agree with Mr. Brewer. We need to make it clearer to show that if your home burns down, you can rebuild to your previous size.) (Mr. Neubecker: this is already covered in the development code and allows them to rebuild to their previous density.) (Mr. Schroeder: Could this person add the 900 square foot garage?) (Ms. Puester: The garage is exempt up to 900 square feet, so they could add it. Anything over a 900 square feet garage would be counted towards density.)

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

Commissioner Questions/Comments:

Mr. Schroder: I have been in support of this policy all along, and take the public comment to heart. Reading some of the written comments regarding tax payers leaving or choosing not to be here; I think people will continue to visit and purchase second homes and live in Breckenridge because of its character, and the limit on large homes reduces the tendency for it to become "elite". We are a different community than Vail or Aspen already.

Ms. Girvin: I am impressed with the work of the Task Force, Ms. Puester and the Council initiative and thankful to the community for their involvement. I support the ordinance. I agree that we need to refer to the grandfathering section to clarify further. There are large limits on the maximums. I think this is a

good precedent in the county. We need to keep in mind Section G of the ordinance that explains what the impacts of larger homes are. This is a county-wide neighborhood issue, and the demand on our infrastructure, decrease in wildlife habitat, carbon footprint, etc. all makes it important. I agree with Mr. Allen regarding the removal of the word “unnecessarily” from Section 1 G.

Mr. Pringle: Does the FAR that we have applied to Warriors Mark West allow for a home to be built that is larger than exists in the neighborhood today? (Ms. Puester: The FARs were determined based on a relationship of what home size is existing in each neighborhood, and we created a spreadsheet to analyze the numbers to ensure that future sizes would be compatible. It is not capped smaller than what exists today, but rather above what exists today.) (Mr. Montepare: The Task Force will look again at the Warriors Mark issue next week.) This ordinance does not take away from what is there now, it isn’t proposed at 80% of the largest home there now as before which would have limited enhancement, and it is closer to 110% of what is there now.

Final Comments: I applaud the Council for wanting to do something. I think this is a good policy and puts people on an even playing field. I don’t think we should not do this because of what Summit County might do. This is a good thing for Breckenridge and hopefully the County will do a good job for their jurisdiction as well. Knowing the square footage your neighbor can build is a good thing. I don’t think this is a “takings”. I appreciate the Task Force efforts.

Mr. Lamb: I agree with what has been said, and that the numbers are quite liberal except for the numbers for Warriors Mark which is being analyzed more by the Task Force. I think that this policy gets the ball rolling in the county in a good direction.

Ms. Katz: I agree with what has been said. I thank you Mr. Whitcomb for supporting the policy, and think it supports what we intended to do. I agree with Mr. Hogan that there are some issues with Warriors Mark, and want the Task Force to look into this some more. Generally, this particular policy would not be considered a takings because there is reasonable use of the property, and quite liberal square footage caps. I think this is a good precedent, and the rest of the county will do as they do. Our process with the Task Force and the Staff’s study is a great precedent. Thanks to Ms. Puester for all of this work and to the Task Force.

Mr. Bertaux: I agree with everything that Mr. Pringle has said. My subdivision isn’t on this list and my house was there before all of the others, and it is the smallest on the block. I wish this ordinance had been in place years ago as now there are 4,000-5,000 square foot homes along the street. I think that other jurisdictions in the county could learn a lot from this policy, the Task Force and staff, especially the efforts of Ms. Puester and her data tables and research for each lot in the town. I think if others look to a policy such as this, they should follow our lead. I support the ordinance and would recommend that the Council approve it.

Mr. Allen: I think the Task Force and public process have helped me to become a little more comfortable with this ordinance. Was not supportive previously but coming around now; the process is working. I think we need to address additions and remodels. I would like Ms. Puester to double check the square footage in Sunrise Point and Trafalgar subdivisions, and the FARs and caps in the Warriors Mark neighborhoods. I agree with comments regarding the grandfathering clause clarification. In Section G of the findings I have a problem with the word “unnecessarily” and think we could have the same findings without that word. With those comments, I think I could be in favor of this. Would like the record to show that the Commission read the letters from Dee Phelps and Carol Rockne and took those comments to heart.

2. Energy / Sustainability Policy (JP)

Ms. Puester presented. In previous discussions, both the Planning Commission and Town Council have expressed interest in further encouraging sustainable site and building design through the Development Code. The purpose of this work session is to discuss an approach to modifying the existing Energy Conservation Policy (Policy 33R) to address these concerns as well as a potential modification to the Master Plan Policy (Policy 39A) to promote Sustainable Communities.

Staff has reviewed the Town Code in relation to the Sustainable Building Code, LEED standards, LEED for Neighborhood Design (LEED ND) which is currently in draft form through the U.S. Green Building Council as well as other similar adopted municipal codes. Many of the items proposed in the attached list have come from one of these documents. Where the proposed items and the Sustainable Building Code double up, staff has made a note as

such. (Note: The Sustainable Building Code negative points apply only to single family residential structures over 3,000 square feet).

Staff would like the potential Policy 33R and 39A revisions to be the focus of the upcoming annual Planning Commission field trip. Staff proposed to arrange site visits in communities which have example developments and/or buildings and similar policies and goals. Staff reminded the Commission that the purpose of this worksession is to identify priorities and major issues for further research. Staff did not intend to discuss specific details or point values at this time. These issues will be discussed in future meetings.

Commissioner Questions/Comments:

Mr. Schroder: I have a question about the point system, would it be packaged or individual points for items such as bike racks? I think maybe packages are a good way to go for master planning. (Ms. Puester: We haven't gotten there yet, but I think it will be a checklist for the project as a whole.) (Mr. Neubecker: Idea is you get a bunch of items under a specific element, you get points within this policy.) I like the list so far and it seems to be on the right track.

Ms. Girvin: This is a great thorough list. I don't understand why an accessory unit under "energy" would get positive points, unless it is an affordable unit. (Ms. Puester: This showed up in other jurisdictions policies. An example might be if someone lives in an accessory unit in a large home in a subdivision that is otherwise empty. It may be more appropriate under the Master Plan Policy rather than Energy Policy.) I agree that snowmelt systems on north facing public sidewalks is great, but I have a problem with the snowmelt systems being installed when there isn't any room for snow stacking left on a property because they filled up the envelope. I would be curious to understand the energy use of someone who plows my driveway, in comparison to a snow melt system. I would add live-work to the list. There is always going to be new technology coming out, and we need to account for that. (Ms. Puester: We can address this by using the term "renewable energy" rather than specific sources and using the quantifiable measures, such as a certain percentage of the building's energy consumption.)

Mr. Pringle: I think there should be some consideration for offset of energy for heated driveways, on or off-site. (Mr. Neubecker: On-site is already built into our code. That's how our point system works.) In Grand County, there are several remote wood fire boilers, which burn pellets, logs, etc. They are EPA rated and UL listed boilers, and we will have a lot of wood to burn in the future. We have a lot of biomass available to us right now. Other than that it is a good start.

Mr. Lamb: There is also the heat tape, is it covering the entire roof or just on the eave? Should not have negative points for heat tape just over building entrances where it is a safety issue. I think this is a great start.

Ms. Katz: I am glad that Mr. Bertaux brought up the hot tub issue. Thought that hot tubs are pretty energy efficient now. Would like to see some numbers on that. I don't think that all snow melt systems should get negative points. In those areas that are on northern sides of the building, some people can solve personal safety issues. We have a dark sky policy but it doesn't say "no light", and should be the same for the snow melt. There should be some areas that are okay, on northern sides of public areas. (Ms. Girvin: I agree.) (Mr. Allen: I think safety should be an issue for all of this, and I think you ought to be able to snow melt those areas. They should be treated differently than a 300' driveway or someone's 1,000 square foot heated patio.) (Mr. Kulick: The one issue is how people plan their site; most orient to views rather than if they will be walking on the north side of the home. There are very few areas where there isn't a functional alternative to snow melt then and they should be designing differently. At Longbranch you walk on the other side of the street.) Believe that restricting people to orient to a certain direction to avoid all snowmelt is too limiting on them. I think generally speaking you're on the right track. I think the sustainability scale seems like a good idea. I don't see why bike racks should get positive points, but I understand why you're doing it.

Mr. Bertaux: What are the "other issues" on the list? (Ms. Puester: While doing research and obtaining feedback, we wanted to track that there are "other issues" that may not fit into these policies, and we will keep a running list. It doesn't have to be with 33/R and may eventually mean other ordinance changes.) For 33/R, and we are looking at the negative points side; what if people only have one of these bad things? Are you looking at a situation where if you still have to have a hot tub, are you going to get all of these negative points? Are hot tubs that bad? (Ms. Puester: It is quite often that hot tubs are put in later, after C.O.; its hard to track negative points for that so it is a concern in tracking and applying negative points later if it remains on the list.) We also have people come in and propose to

install photovoltaic panels if there is money in the budget, and then might not do it at the end. (Ms. Puester: It can be a condition of approval.) I don't have anything to add and think we need to work through it some more when we have more information.

Mr. Allen: Some of the higher cost items, like solar panels or geo-thermal, should get more points, versus a motion detector or bike racks which should be counted together. I agree with Ms. Girvin that the accessory unit is a stretch and that live-work units should be added to Master Plans. I love Mr. Pringle's idea about the EPA rated boiler. I love the list so far. The snow melt and heat tape should be looked at according to safety. If it is related to safety I have no problem with that, but if it is because someone wants to heat their whole patio it should be negative points. Hot tubs should not be negative points. With water features I thought we found out that there wasn't substantial energy use and I think they should be removed from the list. I would like more information about "lack of walkability". I don't understand how this applies to all locations. I like the master plan sustainable community index.

3. Landscape Policy (JC)

Ms. Cram presented a draft of proposed changes to the Landscaping Policy-22 regarding Absolute requirements. Language has been added to address noxious weeds, the removal of dead and Mountain Pine Beetle infested trees, Defensible Space and water features. Staff provided a verbal update on the formation of a Fire Wise Task Force that the Council directed staff to create to provide input on matters related to fuels reduction and forest health.

Staff will bring changes on the Relative Landscaping Policy, including changes to the point multipliers, at a future date.

Commissioner Questions/Comments:

Mr. Schroder: Is there potentially a dual effort between weeds and grasses in the different sections for noxious weeds and wildfire? (Ms. Cram: No, because if you simply cut back weeds they will come back the next year.) (Mr. Bertaux: Aren't the grasses in there because when they dry out they become fire hazards? I think the wildfire standards should be required.) (Ms. Cram: When grasses and wild flowers go to seed in the fall they should be cut back. Hopefully they are desirable plants, perennials and grasses, not noxious weeds.) Do we define what a "specimen" is? (Ms. Cram: Yes it is defined and will be defined further in the landscaping guidelines.) (Mr. Neubecker: Specimen is defined in the current Development Code.)

Comments: In general as far as a whole forest health approach, I like what we are trying to achieve. I think that being a good neighbor you should follow the wildfire mitigation policies. I think we need to look at the wildfire mitigation approach. With new development and the 15' buffer around homes, I am not opposed to it. Landscape around the home is appealing. I appreciate the bullet point 1 to 3 with the water features. I don't think they will mimic pools. I agree with Ms. Girvin that water features shouldn't be used year round.

Ms. Girvin: Regarding pruning, what about an aspen tree that is only 8' tall? (Ms. Cram: Only dead branches will be pruned up to 6'.)

Comments: Purpose of this is complementing the natural landscape and retaining the sense of the mountain environment. I think something needs to be in the code regarding limiting sod lawns, which doesn't complement our environment. There should be negative points. (Ms. Cram: That will be covered in the relative policy.) The water district is limiting the amount of sod and we should look at that, and I agree it is appropriate under the relative policy. Under 22A Maintenance, spraying is noted and we need to think about what that is (chemicals?). I don't see how that complements the natural environment. I would like to see the Town have greater teeth in their enforcement, some kind of fines. The new BBC berms are landscaped with weeds; how do you go back and make them correct that? People should have to fix that. The town's top soil stockpile is covered in weeds. The whole stockpile is now spread all over town. The town is one of the worst offenders. (Mr. Thompson: We have the ability to fine people up to \$500 a day.) (Mr. Rossi: We spray it after it has already gone to seed. They need to be removed.) You are starting to get into the idea of native species and I support that. I would like to consider a category of "legacy plants" like oriental poppies and cotoneaster that aren't native but have been growing here for some time. In zone 1 if you have to completely clear cut all vegetation to within 15' of your home that is counter to improving the appearance of your home. I can see a lot of ugliness if this policy is followed. The

policy is draconian. I am concerned about misformed trees. Standing dead trees are important wildlife habitat for cavity nesters. Some of these trees should be allowed for those birds. (Ms. Cram: Language was included in the mandatory ordinance and can be put back in.) I think that the main reason this is so unpalatable is the enforcement, I have a hard time swallowing that. I think that a task force will be a valuable step in this process. The point of a water feature is noise attenuation and aesthetics. You don't need either of those in the winter. I don't think they should be operable year round.

Mr. Pringle: Under Maintenance, can you put 2 and 3 together and take out the cash deposit? We can reference the Noxious Weed Management Plan. Enforce it through the landscaping covenant. When a property owner loses a significant amount of trees, could there be a trigger for them to come back in and file a new landscaping plan with the Town? (Ms. Cram: We can look at that with the Task Force, but this policy is in regard to new construction.) Where it says "all flammable vegetation shall be removed" within 15' do we want to elaborate on that? (Ms. Cram: We are really looking at the lodgepole pine, and maybe we say anything that isn't "firewise".) Is there anything on water features that requires them to be addressed by the building code? (Mr. Neubecker: Yes, it is 4' deep but it only addresses recreation features like pools. Building official did not think water features were a building code concern.) (Ms. Cram: Technically people are required to get a Class D permit and the building department would review it with planning staff to determine fencing requirements.) If you have a pool in your backyard you have to put up a fence.

Comments: I am curious, how we do landscape on new construction? When does that become difficult to enforce? I don't think we should encumber the town with future compliance on some of this stuff, but try and put in good landscape plans to begin with. As far as MPB in #6 being replaced on a "case-by-case basis", what is the trigger and in what manner are plantings going to take place? We have to give the landowner the ability to manage his land in the way, shape and manner they like rather than dictated. It needs to be written with that spirit in mind. I don't want the town to tell me I can't put daisies or poppies in a specific way, and landowners should be able to do landscaping as they see fit. I think wildfire mitigation should be a guide rather than a strict regulation. It should be absolute but in the ordinance you have to figure out how to get there in the right spirit. I don't think that sod should be limited. (Mr. Neubecker: That should maybe be considered in the energy and water policy.) The zone 1c should emphasize trees and crown spacing within 15'. (Ms. Cram: "Firewise" is about the water content of plant material, not just trees, and firewise planting can be within 15' of the house. I will make that more clear.) I am concerned with the requirement for pruning up of trees. I don't think we have a common idea of water features. (Ms. Cram asked the other commissioners if they agreed with how it is written regarding water features remaining inside setbacks. Ms. Katz, Ms. Girvin and Mr. Lamb agreed.) (Mr. Neubecker: Right now we have it written how we think it will work.)

Mr. Lamb: I agree with Mr. Bertaux regarding the deposit. I think that the topsoil doesn't matter, because the weeds will pop through it. Once they are pulled in my experience they don't come back.

Comments: I think the "case-by-case" basis is difficult to codify. This policy mirrors the County policy very closely. I thought it would look really bad at my house when I had to follow the County policy, but when the person came out to do the wildfire mitigation on my property there was some leeway and negotiation and it didn't end up looking that bad. I hope that with the wildfire mitigation that there is some ability to look at it in the spirit of healthy forest and not get too hung up on this "absolute" policy. I hope we are actually able to go by a case-by-case basis. I think that misformed trees are also a case-by-case basis. I think the part C within Zone 1 is an issue because it eliminates flower boxes on windows. No issue on water features as long as they don't have glycol.

Ms. Katz: I would agree with Mr. Bertaux. It should be enforced by covenants like the other situations in town. Using weed-free topsoil seems like it will help. If you were building a house in the Wellington Neighborhood, would the master plan take precedent over this? (Mr. Neubecker: Yes if the master plan discusses this issue, the Master Plan is the controlling document.) (Ms. Cram: For future areas of those neighborhoods, we would like to look at where landscaping is being planted and make sure it is in the appropriate locations.) Since this is in relation to new construction, how can you keep a specimen spruce tree if it is existing? (Ms. Cram: We would create spacing around the specimen tree, then if preserved you could receive positive points.) I am not convinced that all misformed trees will be a big problem.

Comments: I think in general this is going in a good direction, but I think more teeth need to be in the noxious weed ordinance and not trying to enforce covenants. The noxious weed ordinance covers much more than that. I feel like this needs to be softened a little bit; when you combine the MPB and wildfire mitigation you're saying clear it all out, but then saying we want to put things back for privacy buffers. We need to eliminate the need to replant certain things. Also people need to be able to use the trees for firewood, and that needs to follow defensible space ordinance. We need some of the language coming back in that Ms. Girvin was referring to regarding habitat. I am okay with new construction needing to remove their pines before 2012. (Ms. Cram: This policy will be in place after 2012.) We need the task force to review all of these elements. I am concerned with misformed trees. I get nervous about the "case-by-case" basis comments, and especially the "must be replaced after they are removed". I think we need to be aware that other diseases are going to come up in the future and we need to accommodate for them. We know this is a contentious issue, and a task force with actual feedback will help us in the future. The task force might result in huge buy-in and people supporting the ordinance. I don't think water features should run in the winter.

Mr. Bertaux: Regarding the deposit for weeds, I'd like to have that question answered by the Town attorney. Once you have a C.O., you should have all deposits back. The cash deposit for one year is not going to solve this issue. When the building season runs into the winter, sometimes landscaping has to be held to the following spring. Would there be a lien on the property if the weeds aren't removed? (Ms. Cram: It would be a fine.) On a larger lot, often once the trees are clear the topsoil is usually scraped and saved. It may or may not be weed-free. If they have enough room to save the topsoil, aren't we saving energy by not hauling it off-site? (Mr. Allen: Maybe just imported soil should be weed-free.) You could go higher than 6 feet regarding pruning the dead wood out. I would qualify your definition of "misformed tree" with "misformed by disease". Certainly some trees will grow their own way. (Ms. Cram: We are looking for optimum forest health.)

Comments: I don't think that the water features policy is going to the scale that Mr. Pringle is concerned about, because our lots are in the 1-2 acre size, not 600 acres as is seen in unincorporated areas of the County. I somewhat agree with Mr. Pringle's comment regarding maintenance and combining 2 and 3. I am undecided about a cash deposit being required, but don't want a nightmare for staff to deal with this. For 5 and 6 I think we do everything here on a case-by-case basis. I think the issue is the 5 years. How will we enforce something 5 years later? (Ms. Cram: I think we should remove that from the policy.) Why is the MPB included even though there is already an ordinance? (Ms. Cram: the intention was to make it easier for new builders, new construction to find requirements in one place.) I need to know more about the misformed trees. I'd like to know what other arborists have said. (Ms. Cram: Most of the misformed trees end up being hazard trees or being diseased. The goal is to create forest health. If misformed causes a lot of problems, maybe we will get rid of it.) I would like to qualify "misformed" by disease and add more definition. The zone 1c the way it is written says I can have flower beds; it needs to be expanded so people understand that they can put in flower beds. It should expand on the irrigation; irrigation or drip irrigation. I am all for the rest of the wildfire mitigation going forward. Water features should be prohibited from having glycol.

Mr. Allen: How do you enforce the current landscaping covenant? (Ms Cram: They are enforced on a case-by-case basis, for example if a neighbor complains or staff sees dead trees. We send a letter to the property owner regarding the landscaping covenant. Most of the time the property owner replants after this letter.) Could that system apply to this? Can you please elaborate on the word "replace" regarding replacement of dead trees? (Ms. Cram: We're not asking a property owner to replant all of the trees that they lost, but if there is an area where they are only 15' away from their neighbor we may ask them to provide a buffer between the properties, like a few aspen trees. It is flexible.)

Comments: I think this policy has a long way to go. I agree with everything Ms. Girvin said. I agree with Ms. Katz's comments regarding diseases in the future, and maybe we should eliminate the words "mountain pine beetle" and call it "disease" therefore it will be covered for a few years for disease. I agree with Mr. Pringle's comments regarding enforcement. On the annual basis issue, the annually applies after June 1, 2012 and after that it will be annual. I think that the replacement of trees on a case by case basis should be removed. I support that buffers should be maintained. Only new plantings which will not be adversely affected by snow stacking that should be banned, but some can withhold it and they should be allowed. I have an issue with the zone 1c 15'. First issue is the minimum 15' setback; there could be no trees within two houses that are 15' from the property

line. Special consideration needs to be given to those buildings right up to the setback. I don't understand why there can't be anything within the 15' (Ms. Cram: that is not the intention, flowers and shrubs that are irrigated can be planted, we do not want trees to be under eaves, etc. This can be clarified.) Section C wildfire mitigation under Section 1 it talks about master plans "and" with smaller setbacks shall be given special considerations could take care of this. I agree with Ms. Katz regarding misformed trees. I could go either way on water features; it is not a big deal to me.

Mr. Allen opened the worksession to public comment.

Eric Buck, resident in the Highlands on the Homeowners Board and "Community to Rescind Ordinance 15": I am happy to hear that this is to apply only to new construction. We would support the implementation of these principles on new construction. I have a few concerns; the mountain pine beetle requirement of this ordinance does not meet the current policy which requires removal by 2012. I think we need some real assurances that there will be a delineation of the future maintenance requirements. We need to make sure that five years down the road this is being applied. I would be in favor of having pine beetle requirements meet those of the Highlands. Replacing a tree is very expensive and could be of concern. Wildfire mitigation, I'd like to read some comments from Mr. Jack Cohen, the fire wise guru in the country. I asked him about spreading of fires from residence to residence and the impact of pine beetle. He had specific comments, but generally putting protection around your house doesn't protect anyone else's house. Regarding beetle kill, there is nothing that shows that it will impact fire size. I am confused about zone 1c and the edge of decks. It seems like it will read that you can't have anything within 15' of your deck. Mr. Cohen's emphasis is as much on the building materials as it is on the elements surrounding the home. Most homes in the Highlands have 5-10' stone around the base of the home, which makes it less susceptible to fire. I was hoping that there would be a more cohesive approach, like looking at firewise building materials along with landscaping. I am concerned about the "misformed" trees, because some misformed trees based on this policy could be on a two acre lot. I think the focus ought to be on what is the defensible space requirement at time of construction, and maintenance items should be voluntary.

Mr. Lou Fishman, Summit County Builders Association: I think Mr. Buck hit most of my concerns. How will certified weed-free topsoil be enforced? (Ms. Cram noted that we removed the language about certification because it will be difficult.)

There was no further public comment and the worksession was closed.

4. New Satellite Post Office Location (CN)

Mr. Truckey presented information to the Commission on the new location for the Satellite Post Office, to be potentially located at the Anderson parcel located north of Airport Road. We plan to bring this to the Commission for the October 6th meeting.

Commissioner Questions/Comments:

Ms. Katz: Is there a sense that all post office functions will move there? (Mr. Truckey: No just the satellite functions.)

TOWN COUNCIL REPORT:

Mr. Rossi was present but did not give a report.

OTHER MATTERS:

1. CLG Training Memo

Mr. Neubecker presented a reminder memo on the CLG (Certified Local Government) training occurring in Breckenridge on Friday, October 2, 2009. Mr. Schroder and Mr. Bertaux have already signed up for this training, and Ms. Girvin and Mr. Allen have already indicated they will be unavailable. RSVP for the training is due by September 29, 2009. Mr. Neubecker encouraged any other interested Commissioners that were available for the training to get signed up by the deadline.

Commissioner Questions/Comments:

Mr. Schroder: I RSVP'd.

Ms. Girvin: I can't come.

Mr. Lamb: I'll be there.
Ms. Katz: Do you have to attend the entire day? (Mr. Neubecker: Morning is more relevant, and you can come whenever you are able.)
Mr. Bertaux: I RSVP'd.
Mr. Allen: I can't come.

2. Planning Commission Field Trip

Mr. Neubecker reminded the Commission that Staff is still looking at a Planning Commission field trip for some time this fall. He passed out some information on developments that we are considering, which might be good examples of sustainable developments relating to the energy policy.

Commissioner Questions/Comments:

Mr. Schroder: Not available Mondays or Fridays.
Ms. Girvin: Out of town 14-19th of October.
Mr. Pringle: Just give me a date.
Ms. Katz: Trials coming up, which are usually on Monday-Wednesday. Friday is the best day.
Mr. Bertaux: After 10/12 I won't be able to make it.

ADJOURNMENT

The meeting was adjourned at 11 p.m.

Rodney Allen, Chair

Planning Commission Staff Report

Project Manager: Chris Kulick, AICP

Date: September 30, 2009 (For Meeting of October 6, 2009)

Subject: Satellite Post Office Facility (Class “A” Courtesy Review: PC#2009046)

Land Owner: Town of Breckenridge

Applicant: U.S. Postal Service (U.S.P.S.)

Agent: Gabriel Benvenuto

Proposal: Relocate the existing 1,500 square foot “NPU” (Non-Personnel Unit) Post Office building from Lot 1, Block 2, Parkway Center to a portion of the Town owned Lot 4, Block 5, Breckenridge Airport Subdivision. No retail service is planned at this time.

Building materials consist of a green metal roof, cedar lap siding, a brown split face block base, bronze clad windows, and round green columns. Colors were originally designed to be consistent with the beige and green scheme of the Parkway Center.

Address: To be determined, Airport Road

Legal Description: A portion of Lot 4, Block 5, Breckenridge Airport Subdivision

Site Area: Portion Proposed to be Leased to the U.S.P.S.: 14,174 square feet / 0.33 acres
Total of entire Lot: 58,387 square feet / 1.34 acres

Land Use District: District 31 – 1:4 FAR; Commercial and Industrial

Site Conditions: The property consists of semi-flat graded dredge rock with a temporary dirt access road for ski resort overflow parking on Block 11 is located in the center of the site. The proposed facility is only utilizing 24% of the lot’s total area and will not affect access to overflow parking.

Adjacent Uses: North: Gateway Commercial Center South: Krause Condominium
East: Block 11 (Vacant) West: Airoad Condo

Density/Mass: Allowed: 3,545 square feet
Proposed: 1,500 square feet

Height: Recommended: up to 35’
Proposed: one story, 13’ mean, 17’ overall

Parking: Required: 4
Proposed: 14

Setbacks: The proposed project exceeds all required setbacks.

Item History

A project proposed by a governmental agency is not formally subject to the Town’s review process. However, the U.S. Postal Service has been cooperative to work with the Town to design a facility, within their constraints, that fits Breckenridge, and undergo a courtesy review by the Planning Commission. Because there is no requirement for this project to obtain a development permit, the attached findings and conditions are included for advisory purposes.

This property was acquired by the Town in 2008 for anticipated future use as an affordable workforce housing site in conjunction with Block 11. With the proposed project located in the southwest corner of the site, the remainder of the site could still be used for future residential construction. This is the first review of this project by the Planning Commission.

Staff Comments

Land Use: The proposed post office project is consistent with the commercial land uses recommended by Land Use District 31.

Density/Mass: The project density is well under limitations specified for land use district 31.

Site Design: All in all, staff is comfortable with the site plan proposed. The site is fairly flat so there are no grading concerns. The building and circulation have been designed by staff to retain as much of the remainder of the site as possible for future development of workforce housing while still accommodating the U.S.P.S. site design standards. Utilities are readily available at the perimeter of the site. No exterior lighting was submitted with this application. Staff will work the U.S.P.S. to ensure any installed exterior lighting will conform to the Town's exterior lighting regulations.

Pedestrian access and circulation is limited due to its location on Airport Road. Trash is to be taken away by the person delivering the mail. Proposed parking is well in excess of Town requirements; this was mandated by the U.S.P.S. A similar parking program was approved for the current satellite facility, and no negative points were assigned at that time. Since there is no significant grading or vegetation removal to accommodate the additional parking, no negative points are recommended.

Architecture: The applicant is constrained to the existing structure that is to be moved from the Parkway Center site. The 64' x 23.5' structure is a pre-fabricated building which consists of horizontal cedar lap siding with a green metal roof.

Landscaping: A preliminary landscape plan has been developed by the staff for this application. As of the printing of this report, we have not received formal feedback from the U.S.P.S. on the suggested landscape plan. We are presently working with the applicant and anticipating approval and/or comment on the suggested plan in time to present to the Commission during the Tuesday meeting. Staff expects the level of landscaping to be similar to the previous Parkway Center site that had 10, 6'-8' tall spruce and 20, 1 1/2" – 2" caliper (50% multi-stem) aspen. We do not expect the applicant to receive any negative points under Policy 22R: Landscaping.

Point Analysis: The Planning Department believes the proposed project meets all absolute policies and would be allocated no negative points under any relative policies. This would make the project pass a point analysis under a normal review.

Summary and Recommendation

The Planning Department is supportive of the proposed site plan and believes the U.S.P.S. has made a commendable effort to incorporate good design elements. We expect that the applicants will support the landscape plan suggested by the staff. With the exception of this one outstanding item for this courtesy review, we recommend the Planning Commission provide a favorable recommendation to the Council based on the evidence of having a passing point analysis.

While this is a courtesy review, the applicant has been open to comment and willing to incorporate suggestions. Accordingly, staff suggests the Commission comment specifically on anything they have concerns over.

TOWN OF BRECKENRIDGE

Post Office Satellite Facility
Lot 4, Block 5, Breckenridge Airport Subdivision
PC#2009046

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 September 30, 2009 and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on October 6, 2009 as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.

RECOMMENDATIONS

1. This permit expires three years from date of issuance, on October 13, 2012 unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the permit shall only be valid for 18 months rather than three years.
2. 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.
3. All signs are to be reviewed under a separate permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

4. Applicant agrees to submit revised plans showing revised exterior architectural lighting fixtures and detailed landscaping plan. All exterior lighting shall meet the Town of Breckenridge Exterior Lighting Regulations (Title 9, Chapter 12).
5. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way. 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 provided to the Public Works Department prior to issuance of the building permit.

6. 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.
7. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

8. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
9. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
10. Applicant shall screen all utilities.
11. 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.
12. No Certificate of Occupancy will be issued until all landscaping, painting and/or paving required under this Permit has been completed. If required landscaping, painting, and/or paving cannot be completed due to prevailing weather conditions, the Town may allow that a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completion be provided to the Town before issuing a Certificate of Occupancy or Compliance. If a bond or surety is provided, the Applicant must complete construction of the required landscaping, painting and/or paving as soon as weather conditions allow.

U.S.P.S. SATELLITE SITE PLAN



SITE ANALYSIS

ENTIRE LOT - 58,386.9 SF = 100%.

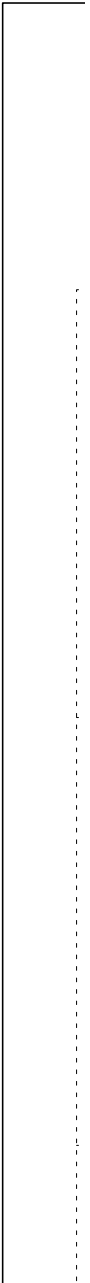
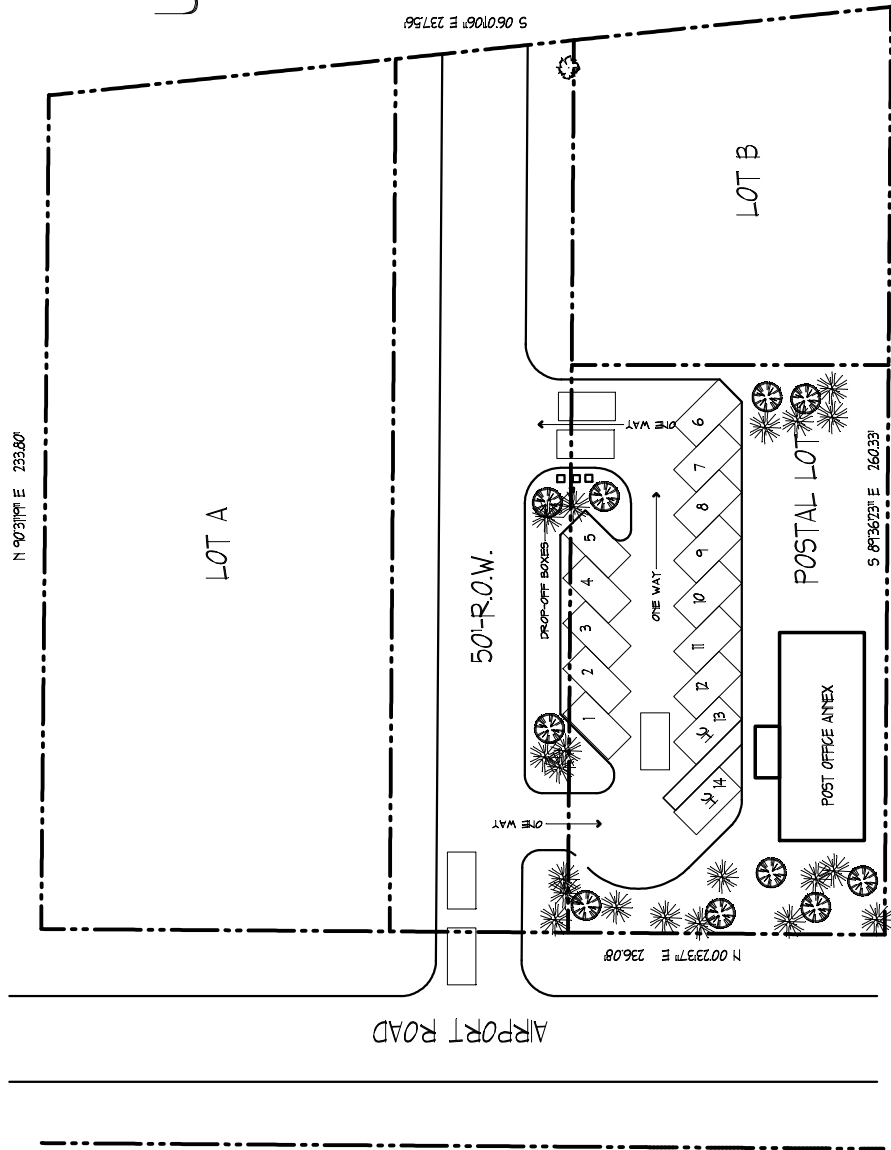
R.O.W. - 12,376.7 SF = 21%

LOT A - 23,319.7 SF = 40%

LOT B - 8,517.7 SF = 15%

POSTAL LOT - 14,173.7 SF = 24%

- ⊙ COLORADO SPRUCE - 5 @ 6' TALL & 5 @ 8' TALL
- ⊙ ASPEN - 10 @ 1 1/2" CAL & 10 @ 2" CAL
- ⊙ ALL PLANTING TO BE AUTOMATICALLY DRIP IRRIGATED
- ⊙ ALL DISTURBED AREAS SHALL BE COVERED WITH A MINIMUM OF 2 INCHES TOPSOIL, SEED AND MULCH
- ⊙ SEED AND MULCH TO BE AUTOMATICALLY IRRIGATED





To: Planning Commission (Worksession)

From: Michael Mosher and Laurie Best, Community Development Department

Date: September 29, 2009

Re: Preservation Village at Reiling Road

Please bring your Development Code books to the meeting for reference.

The Town has been approached by Royce Tolley, Preservation Development Group, LLC, and Marc Hogan, BHH Partners to development Lots 1, 2 and 3 (3.85 acres) at the Vista Point Subdivision. The current Master Plan and Plat are for three single family lots with a 4,000 SF/home density limitation. The proposal is for 6 two-story duplexes (12 units) to be accessed off Reiling Road, across from the Little Red Schoolhouse. This proposal has been before Town Council for worksession. The Council is asking the Commission to review and comment on the proposed plans against the Development Code.

The three existing market-rate single family SFEs would become three duplex SFEs and the remaining nine units (asked to be provided by the Town) would be for equity/deed restricted workforce housing. Site plans, floor plans and computer model renderings have been provided by the applicants for your review.

Part of this process would include creating a new master plan and subdivision with a Development Agreement approved by Town Council. The property would no longer be part of the Vista Point Homeowner's Association (at the HOA's request).

Staff is initially seeking Commissioner's input on how this proposal fits on the site, specifically how the proposal conforms to Policy 7, Relative, Site and Environmental Design, Policy 8, Absolute, Ridgeline and Hillside Development and Policy 9, Placement of Structures.

Negative points may be incurred under Policy 7 and likely mitigated with positive points for the employee housing component (Policy 24), but Policy 8 is an absolute policy and must be met in order to have the project approved (unless a variance is approved). Policy 9, (Absolute) Placement of Structures, requires a minimum front yard setback of 10-feet and must be met in order to have the project approved (unless a variance is approved).

Since the approval and development of Vista Point a portion of the property has been re-graded (in 2008) and the previous "existing conditions" of a portion of the property has been leveled and a portion of the hillside re-graded. The current owner has used the recently graded portion of the site for sporadic storage of vehicles and trailers.

During the initial review of Vista Point there was much discussion about the proposed density for this parcel. There have been concerns about the potential impacts associated with development on these lots in the past during review of the Vista Point Master Plan with the Planning Commission.

April 18, 2000 PC hearing - there were (4) duplexes proposed.

Ms. Katz: The duplexes on the slope are a real problem, 30% too steep.

- Mr. Mamula: Four duplexes don't belong on the steep slope, no mitigation at this point. 30% is too steep.*
- Mr. Keeling: Move four duplexes. Would like to see all development on one side of the road.*
- Mr. Boos: The four duplexes don't fit in project but may need to attain density. Mitigation to handle the slope.*
- Ms. Hamilton: Agree with Ken's comments. Feel duplexes are out of place, but can work with it.*
- Mr. Haering: Agree with Ken's comments on density and four duplexes.*
- Mr. Pringle: Four duplexes are not out of the question, but may be too expensive to build.*

September 5, 2000 PC hearing - with 4 market rate SFR lots

- Mr. Keeling: Site visit is needed.*
- Mr. Mamula: Maximum slope for development is 30%*
- Mr. Boos: Thoughts will be focused on development across the road, a site visit is needed.*
- Ms. Hamilton: Need site visit. Development on 4 lots would be improvement.*
- Mr. Haering: Site visit is needed on the 4 lots.*
- Mr. Pringle: Regarding development across the road, if you get too big there will be more problems. Applicant will build home sites and will control over density. Support density limits. Limited density on single family homes is needed. 4 lots needs to be thought about, no super large homes.*
- Ms. Katz: Hard time imagining, how can we approve the 4 lots across the road, a site visit is needed.*

October 17, 2000 PC Hearing - 4 Single Family lots

- Mr. Boos: 4 family lots, think we're halfway there on the mitigation, Concerned about Lot #1 and how you are going to do it.*
- Ms. Hamilton: Support lots 2, 3, and 4 concerned about 1, one driveway would be preferred. Consider shared driveways.*
- Mr. Haering: Support the 4 lots, like to see architecture all natural material, has diversity. Support setback, density limited to 2,000 above ground.*
- Mr. Pringle: Lot 1 concerns, support lots 2,3,4. Support density limits: 2000 sq. ft. above ground.*
- Mr. Katz: Support 3,000 sf density limit, smaller for duplex. Draw the line at the 30% slope, on the 4 lots. Need detailed topos on these 4 lots.*
- Mr. Mamula: Wanted to know slope of envelopes on the 4 lots? Lot 1 is not going to work, maybe supports lot 2,3,4. Need more info on what exactly we are approving. Not ready for final.*
- Mr. Keeling: 3 lots fit, share driveways, Support setbacks, density: 2000 sf above ground, should include garages. Duplex density limit: 1600 sq. ft. above ground including garages. Ready for final if the access can be proved and 3 lots across Reiling.*

The final approval for Vista Point was called up (de novo) and approved by the Town Council with the four (4) lots being reduced to three (3) with density limitations and disturbance envelopes

Generally Policy 7 states:

The Town hereby finds that it is in the public interest for all sites within the community to be designed, arranged, and developed in a safe and efficient manner. The arrangement of all functions, uses, and improvements should reflect the natural capabilities and limitations of the property. This policy is also intended to discourage levels of development intensity that result in generally compromised site functions, buffering and aesthetics. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be

visually harmonious as perceived from both the interior and exterior of the project. Platted lots with building envelopes, site disturbance envelopes, or designated building locations are still subject to the following rules and recommendations unless noted otherwise.

Policy 8 states:

The welfare of the town is based to a great extent on the natural beauty of the valley and the scenic backdrop created by forested hillsides and other natural features. Because of the importance of aesthetics to the economic viability of the town, views are crucial and must be preserved. The town council hereby finds that protecting the scenic backdrop of the valley by reducing the visibility of development on hills or ridgelines: (i) adds value to the community; (ii) helps to protect property values; (iii) enhances the visitor and resident experience; (iv) improves recreation experiences; (v) expands the economic viability of the local economy; (vi) increases the desirability of the town as a destination resort; (vii) and adds to the overall health, safety and general welfare of the community. This policy addresses concerns of preserving view corridors for the community's overall benefit.

Policy 9/A states:

2. Other Residential Development:

1. Front Yard: No structure shall be built within ten feet (10') of a front yard property line. In those cases where a garage is located with driveway access in a required front yard, no portion of said garage doors shall be closer than twenty feet (20') from the front property line.

The proposed duplex development would involve additional grading outside the currently disturbed area and place the duplexes into the slope of the hillside. The front setback is proposed at 5-feet (not 10-feet) to minimize the impacts of placing the units into the hillside. The closest building is 25-feet from the pavement of Reiling Road. The applicant's have stated that the front setback could be met, but would result in additional site disturbance at the rear of the site.

Efforts have been made to minimize the visual impacts of the development. All units are two-story with tuck-under garages accessed from a common driveway along the front of the units.

We seek the Commissioner comments on the proposal as it relates to Policies 7, 8, and 9 of the Development Code.

1. Would the Commission suggest negative points under Policy 7/R?
2. Does the development meet the intent of Policy 8/A?
3. Would the Commission support a variance for Policy 9/A?
4. Are there any other "fit-test" concerns the Commission might have?

The applicants and agents will be present at the meeting to contribute to the worksession discussion.

Planning Commission Staff Report

Project Manager: Chris Kulick, AICP

Date: September 30, 2009 (For meeting of October 6, 2009)

Subject: Summit Landscaping Residential Conversion (Class C Minor; PC# 2009047)

Applicant/Owner: Josh Child

Architect: Marc Hogan – BHH Partners

Proposal: The applicant proposes to convert 980 square feet of office space in the existing building into a residential apartment. The proposed unit will include 1 bedroom, 1 bathroom, a kitchen and living area.

Address: 1925 Airport Road

Legal Description: Lot 1B, Block 9, Breckenridge Airport Subdivision

Site Area: 1.526 acres (66,472 sq. ft.)

Land Use District: 31 – Commercial and Industrial Uses – 1:4 FAR
Subject to the Breckenridge Airport Block 9 Density Allocation

Site Conditions: The site is located on the west side of Airport Road and a mixed use building (previous approval PC#1999158) is currently located there. The site is generally flat with existing trees located along the west side of the property. There is a 30 foot drainage easement and a 10 foot snow stack easement that runs along the east side of the property along Airport Road. In addition there is a 15 foot Public Service utility easement along the west side of the property that contains high voltage overhead power lines. The original project approved for a 3,000 square foot commercial building and outdoor storage area that is screened along Airport Road with a berm and plant material. Subsequently in November of 2000 a 2 bedroom, 1bathroom residential unit was approved in previous attic space. That project passed with a score of six (+6) positive points, (-4) under Policy 2R: Land Use Guidelines and (+10) under Policy 24R: Social Community A. Employee Housing.

Adjacent Uses: North: Lot 1A, Block 9, Breckenridge Airport Subdivision (vacant)
South: Skypark Business Center
East: Airport Road
West: County Residential Subdivision/ USFS Land

Density: Allowed:
Per Current Block 9 Density Allocation = 14,690 sq. ft. (Lot 1B, Block 9)

Density used per PC#1999158 = 3,000 sq. ft. (Commercial Building, Lot 1B, Block 9)
Density used per PC#2000166 = 900sq. ft. (Converting loft space into accessory apartment Lot 1B, Block 9)
Density used per PC#2001055 = 800sq. ft. (Greenhouse Addition Lot 1B, Block 9)

Remaining Density = 9,990 sq. ft. (14,690 – 4,700 = 9,990)

Proposed:
 Conversion of 980 sq. ft. of existing density (No new density is proposed with this application)

Remaining Density = 9,990 sq. ft.

Height: Allowed: 35' mean per LUD 31
 Proposed: 24' mean and 26.5' ridge per PC#1999158 approval (no change)

Lot Coverage: Buildings: 4,385 sq. ft. (6% of site)
 Hardsurfaces: 6,748 sq. ft. (10% of site)
 Open Space: 55,339 sq. ft. (84% of site)

Parking: Required: 8 spaces
 Proposed: 10 spaces (10 were needed under current land use configuration)

Staff Comments

Land Use: Land Use District 31 allows commercial and industrial uses. In the past some residential uses have been incorporated into this district receiving negative points. Through analyzing the entire residential history of the Airport Subdivision we have realized awarding negative points for residential uses has been inconsistent. There were a total of 11 residential developments approved in the Airport Subdivision, 7 of these applications received negative points and 4 did not. Only one development, Breckenridge Terrace, received more than 4 negative points. Breckenridge Terrace is a 100% residential development. Mr. Child's previous residential application, PC#2000166 was one of the remaining 6 developments that received 4 negative points for land use. Due to inconsistencies in awarding points in the past and because no other development where the majority of project is commercial has ever been awarded more than 4 negative points under Policy 2R: Land Use Guidelines, staff is recommending that no additional negative points should be awarded. Below is a chart showing the history of point awards for residential developments in the Airport Subdivision.

Project	Date Approved	Commercial %	Residential %	Negative Points	Notes
Krause Condo	06/17/1995	75%	25%	0	Staff report stated " <i>the Commission determines that the proposed residential units will not be in conflict with the intent of the Land Use Guidelines, and the assessment of negative points under Policy 2R-Uses</i> ".
Breck Terrace	06/20/1995	0%	100%	-8	100% Residential
Sun Alley	07/06/1995	94%	6%	-4	The Commission Assessed (-4) points under 2R-Use "to establish" precedent.

Sun Alley	11/05/1996	80%	20%	No additional points	Staff report stated "the Commission determines that the proposed residential units will not be in conflict with the intent of the Land Use Guidelines, and the assessment of negative points under Policy 2R-Uses. Therefore, the planning department finds the conversion of these units to residential would not receive any additional negative points".
Gateway Office Commercial	08/19/1997	76%	24%	0	Staff report stated "the Commission determines that the proposed residential units will not be in conflict with the intent of the Land Use Guidelines, and the assessment of negative points under Policy 2R-Uses".
Lot 3, Block 4, Breckenridge Airport	11/18/1997	83%	17%	0	Staff report stated "the Commission determines that the proposed residential units will not be in conflict with the intent of the Land Use Guidelines, and the assessment of negative points under Policy 2R-Uses".
Airport Heights Condo	05/19/1998	69%	31%	-4	Negative points were awarded under policy 2R-Use, based on precedent.
Airoad Condo	08/18/1998	52%	42%	-4	Negative points were awarded under policy 2R-Use, based on precedent.
Avalanche Condo	11/18/1998	50%	50%	-4	Negative points were awarded under policy 2R-Use, based on precedent.
Skypark Business Center	07/06/1999	47%	53%	-4	Negative points were awarded under policy 2R-Use, based on precedent.
Lot 1b, Block 9, Breckenridge Airport Subdivision	11/07/2000	81%	19%	-4	Negative points were awarded under policy 2R-Use, based on precedent.

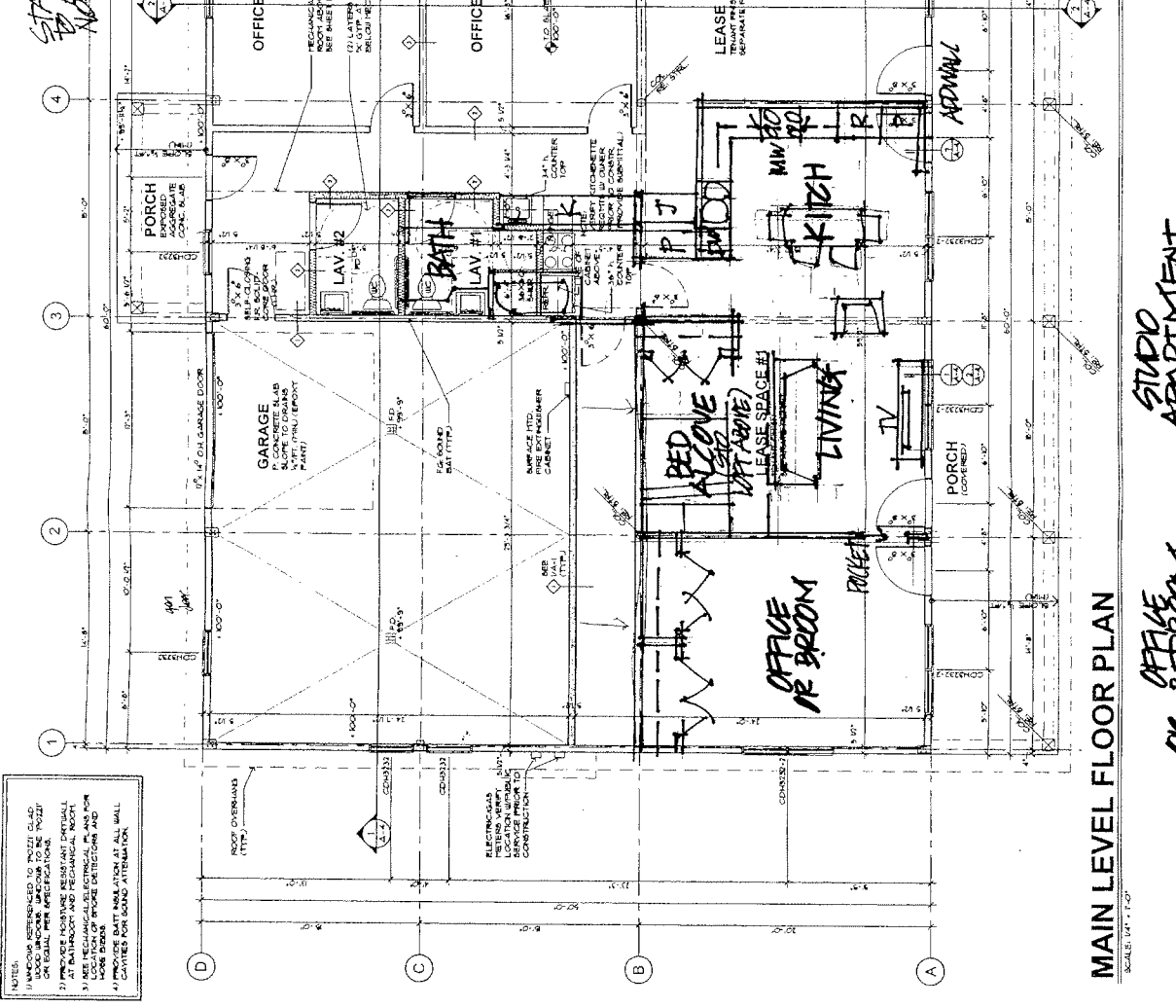
Point Analysis: Staff believes that the proposal passes all absolute relative policies and should receive no positive or negative points.

Staff Action

The Planning Department has approved the Summit Landscaping Residential Conversion with the attached Findings and Conditions.

REVISIONS:
 NO. DATE DESCRIPTION
 1 02/27/09 [unclear]

SHEET NUMBER: A-1
 SCALE: 1/4" = 1'-0"



NOTES:
 1) ALL WORK SUBMITTED TO THESE CLAS.
 2) ALL WORK SUBMITTED TO THESE CLAS.
 3) ALL MECHANICAL, ELECTRICAL, P.L. AND FOR
 4) PROVIDE DUCT INSULATION AT ALL WALL
 CAVITIES FOR SOUND ATTENUATION.

MAIN LEVEL FLOOR PLAN
 SCALE: 1/4" = 1'-0"

OFFICE BEDROOM 300 SF
 STUDIO APARTMENT 600 SF

BUILDING AREA
 EXISTING MAIN 3000 SF
 EXISTING APARTMENT
 (DEED RESTRICTED) 900 SF
 TOTAL EXISTING 3900 SF
 PROPOSED LIVE WORK 980 SF

Planning Commission Staff Report

Project Manager: Michael Mosher, Planner III

Date: September 29, 2009 (For meeting of October 6, 2009)

Subject: Entrada at Breckenridge Development Permit Modification (Class C Minor, Hearing; PC# 2009045 - Original permit PC#2009025)

Applicants/Owners: Entrada at Breckenridge, Inc. – Kirk Mickelson and Kurt Ave

Agent: Lee Neely, Neely Architecture

Proposal: To modify the approved development permit for Entrada at Breckenridge to remove the vehicular access connection between Lot A of Entrada and the parking lot at Summit Ridge Center and to move the eastern access drive on Tract A to the western edge.

Address: (Pending resubdivision) 32, 36, 74 and 110 Huron Road

Legal Description: Amended Entrada at Breckenridge, Lots 1, 2, 3 and Tract A, a Resubdivision of Tract A and Tract B, Entrada at Breckenridge, Summit County Colorado (Reception No. 856500)

Site Area: 3.978 acres (173,271 sq. ft.)

Land Use District: LUD 5 is being amended during the annexation process to allow mini-storage use. Otherwise, existing LUD

Land Use Type:	Service Commercial
Intensity of Use:	1:5 Floor Area Ratio
Structural Type:	Special Review

Land Use Type:	Lodging
Intensity of Use:	10 Units per Acre
Structural Type:	Special Review

Site Conditions: Prior to this submittal, the applicants have been removing the existing trailers, vegetation, trash, and re-grading the site. There are remaining Lodgepole pine trees along the east property edge. The lot slopes down from east to west at a rate of about 5%. A small triangular portion of the property, at the southwest corner, has been dedicated to CDOT (Reception #776494).

Adjacent Uses: North: Summit Ridge Center East: Baldy Mountain Mini-Storage
South: Huron Road and 7-11 West: State Highway 9 – Rec. Center

Parking: Required:

Office Building 1:	17.8 Spaces
Office Building 2:	19.0 Spaces

	Mini-Storage:	1.0 Space (per Annex. Agr.)
	<u>Employee housing:</u>	4.0 Spaces
	Total Required:	41.8 Spaces (rounding up)
	Proposed:	45.0 Spaces (2 @ mini-storage)
Snowstack:	Office Buildings required:	6,068 sq. ft. (25%)
	Proposed:	6,248 sq. ft.
	Mini-Storage required:	4,347 sq. ft. (25%)
	Proposed:	4,390 sq. ft.*
	<i>*Master Plan note requiring snow removal.</i>	

Item History

In May of 2007, Entrada at Breckenridge received a Planned Unit Development (PUD) approval from the County for development within the B-1 zoned property. That proposal included the two office buildings and four mini storage buildings with an allowed maximum total of 88,200 square feet.

On January 7, 2009, Entrada at Breckenridge submitted a Petition for Annexation to the Town of Breckenridge. The Annexation map, Master Plan, Subdivision and Development plans and Annexation Agreement have been approved, but not yet recorded.

There is an existing access easement connecting Summit Ridge Center and this property at the northwest curb cut at Highway 9 (Reception # 801773). The Planning Commission approved the application (without the access point) on July 21, 2009. During the Town Council public hearing on July 28th, this was called off the Planning Consent Calendar for a de novo hearing on August 11, 2009. At this hearing, the access point was replaced and the proposal was approved.

Since this approval, the property that had granted the easement, Summit Ridge Center, is challenging the validity of the agreement and is refusing to grant the applicants access to their property. In order to get this application before the Council for discussion in a public meeting, the applicants are seeking to modify the existing approved permit to again remove this access point and have it placed on the Council's Consent Calendar.

Please note, that this report will only address the proposed change to the Development Permit. Other items and discussion of related policies have been removed from the report as they are to remain unchanged. This only affects the two office building properties (Lots 1 and 2) at the west end of the proposed development sites.

Staff Comments

Snow Removal and Storage (13/R): Adequate snow storage is being provided the site. The removal of the access drive has no impact on the functionality or quantity of the snow staking. Staff has no concerns.

Access / Circulation (16/A & 16/R; 17/A & 17/R): Lot 1 and 2 are accessed towards the south, off of Huron Road. During the final Planning Commission meeting the Commission approved the project without the access easement from Summit Ridge Condominiums. It was explained that it was being abandoned because of a requirement from CDOT restricting access to Highway 9. This was later resolved prior to the

de novo hearing before the Town Council hearing and the access was replaced on the drawings and approved. The mini-storage is to be accessed via a driveway off Huron Road.

Since the last review the access drive to Site A has been moved towards the west and is now shared with Lot 2. This was done to provide a deeper vehicular stacking depth, as suggested by the updated traffic study, at the intersection of Huron Road and Highway 9. Staff has no concerns.

As in the previous final review, we are still suggesting the application receive positive one (+1) point for providing the shared driveway with the Town Tract.

Parking (18/A & 18/R): The proposed modifications have no impact on the required parking being provided with this application.

Landscaping (22/A & 22/R): The proposed modifications have no impact on the required landscaping being provided with this application.

Drainage (27/A & 27/R): The proposed modifications have no impact on the required site drainage being provided with this application.

Point Analysis (Section: 9-11-7-3): No changes are suggested to the original point analysis with this modification. The approved review of the last proposal indicated that the development passed with positive four (+4) points. Negative three (-3) points were incurred for the metal portions of the mini-storage under Policy 5/R and positive three (+3) for the architecture of the office buildings. Negative one (-1) was assigned for the amount of employee housing being proposed. Landscaping was assigned positive four (+4) points. This produced a passing score of positive four (+4) points.

Staff Decision

Staff has approved these modification as it reflects nearly the same plan as the final review presented and approved by the Commission on July 21st. Compared to the final plans seen at the July meeting, the only substantial change is the relocation of the shared access drive that crosses Tract A (Town Tract). The proposed changes have no impact on other policies of the Development Code or the point analysis.

TOWN OF BRECKENRIDGE

**Entrada at Breckenridge Development Permit Modification
Amended Entrada at Breckenridge, Lots 1, 2, 3 and Tract A, a Resubdivision of Tract A and Tract B, Entrada
at Breckenridge, Summit County Colorado (Reception No. 856500)
(Pending resubdivision) 32, 36, 74 and 110 Huron Road
PC#2009025**

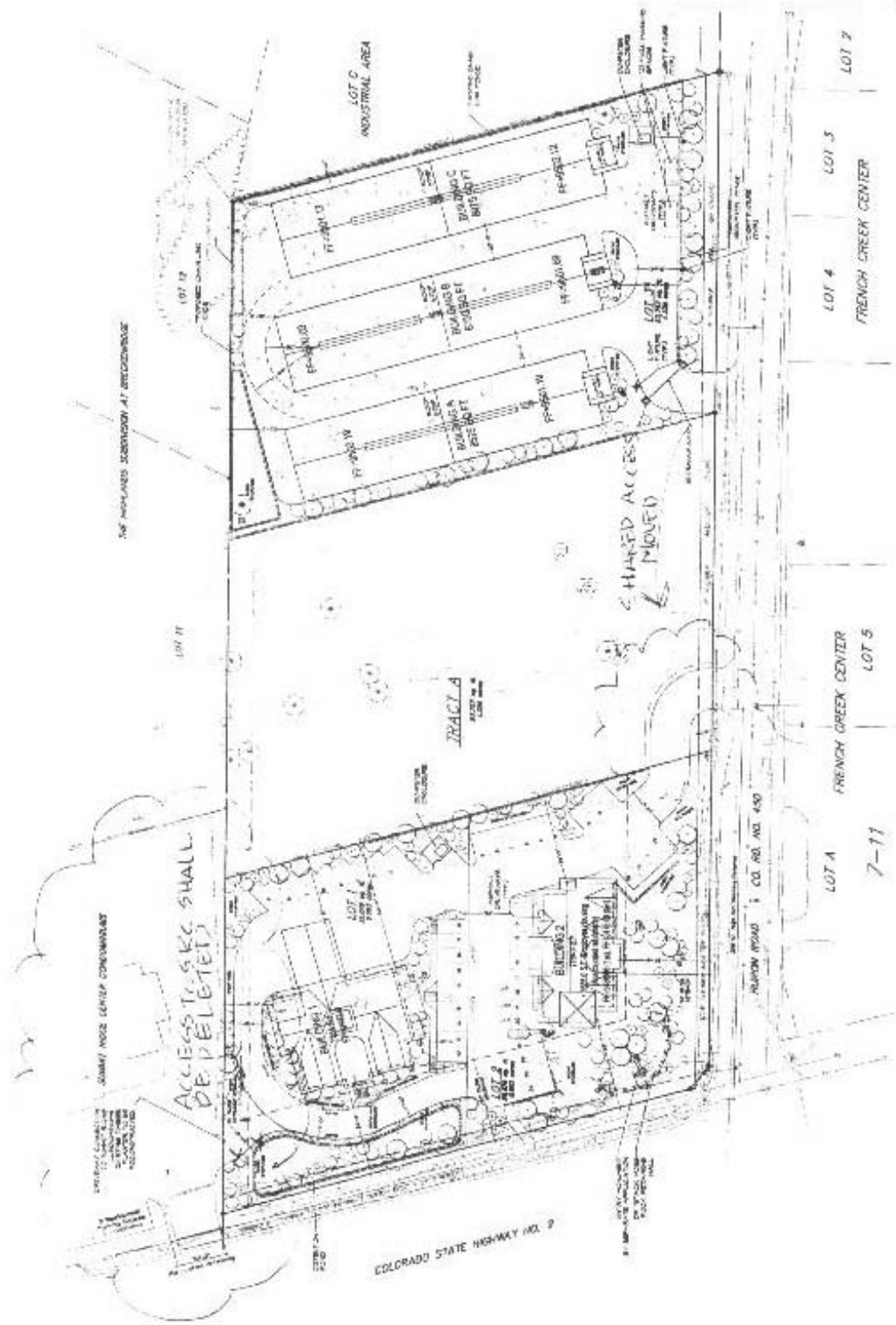
STAFF RECOMMENDATION: Staff has approved this application with the following Findings and Conditions and recommends the Planning Commission uphold this decision.

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **September 29, 2009**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **October 6, 2009** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. **This permit and vesting expires on the expiration date of the original permit, and the project remains subject to the terms and conditions applied to the original permit.**
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.



Scale: 1"=50'-0"

9/24/14

SITE/LANDSCAPE PLAN

10/06/14 ENTRENDA MODIFICATION

Planning Commission Staff Report

Project Manager: Matt Thompson, AICP

Date: September 28, 2009 (For meeting of October 6, 2009)

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

Applicant/Owner: Al Stowell

Agent: BHH Partners, Alice Santman

Proposal: Construct an 8,174 sq. ft. residence with four bedrooms, five bathrooms, and an accessory apartment. A material and color sample board will be available for review at the meeting.

Address: 112 N. Ridge Street

Legal Description: Lot 3, Abbett Addition

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

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

Historic District: North End Residential Character Area

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

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

Density:	Allowed under LUGs:	9,920 sq. ft.
	Proposed density:	8,174 sq. ft.
Above Ground Density:	Allowed (9UPA):	4,464 sq. ft.
	Proposed:	4,458 sq. ft.
Mass:	Allowed under LUGs:	11,904 sq. ft.
	Proposed mass:	5,113 sq. ft.
Total:		
	Lower Level:	3,655 sq. ft.
	Main Level:	2,870 sq. ft.
	Garage:	679 sq. ft.
	<u>Upper Level:</u>	<u>964 sq. ft.</u>
	Total	8,174 sq. ft.

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

Item History

On September 1, 2009 the applicant, Al Stowell, had a preliminary hearing with the Planning Commission. Staff had four major questions we asked the Planning Commission to comment on. These questions were: Does the Planning Commission support the general layout of the plan? Does the Planning Commission believe that adding one or two spruce trees to the property in between the connector element and French Street, and at least one spruce tree to the Ridge Street side of the project, would help to buffer the residence from French Street and Ridge Street as well as hide the connector element so the project looks more like two separate structures? Do you agree that the revision of the roof pitch of the garage would help the project to meet the intent of Policy 141? Are the proposed two-story elements acceptable with this proposal? Do the two-story elements meet the intent of Priority Policy 142? Does the Planning Commission find that Policy 145 related to exterior materials is not applicable to this proposal?

Planning Commission comments from previous meeting on 9/1/09:

Mr. Schroder: *Are you thinking two buildings and the connector is a third stain? (Mr. Stowell: Yes.) The general layout looks good to me. From the Ridge side it could look like a duplex. I am concerned with the setback to the south and the snow falling off the roof into this area. I think that the question regarding building height measurement should be followed up on. I like the idea of adding trees to break up massing and add character. What is a typical width for a garage in the historic district? I think it needs a steeper pitch roof to match the width. I think this looks like a two story building, and it should be 1-1.5 stories. The height needs to come down a little bit, and the windows in the elevation add to this perception. I like the materials. I appreciate the solar panels and agree with Mr. Allen regarding the positive six (+6) points if they provide 75% or more of their electrical needs.*

Ms. Girvin: *I think you are on a good track with this. I like the general layout and courtyard that separates the two modules. I appreciate the 52' setback from Ridge Street. I would like to see area within the 52' setback be native vegetation and keep it as a "do not disturb" area. I support Mr. Stais' idea regarding a construction management plan. I think care for and not disturbing this area (natural yard) will add beauty to the property in the future. I support positive points for this. I would like to see this project look less like a duplex, with the primary structure looking larger than the accessory structure. I*

support using different materials for the two, but would prefer to see the materials and accents consistent with the historic context for accessory and primary structures, not nearby secondary structures. I would like to see more traditional window layouts. I don't care for the 4:12 roof pitch over the garage. We need to keep scale in mind, and a lower roof pitch works on a one-story building better than on a 1.5-2 story building. I would prefer to see no spruce on the Ridge Street side. I like the Bristlecone, Limber, or Engelmann spruce (native plantings) on the French Street side. I think a model would be appropriate or additional streetscape drawings.

Mr. Pringle: *The 52' setback from Ridge Street causes some of the issues and elements could be more spread out on the lot if it was reduced. Landscaping additions where shown on the plan should be fine, and I think any type of evergreen species would be okay. You should buffer the connector element and it would strengthen the separation of the structures. Roof pitch on the shed element is consistent with the Historic District at 4:12. You could lower the roof pitch on the two primary structures and it might help reduce the height and meet policy 142. I am not opposed to the materials but negative points should be assigned. Egress out of the basement window and stairwell needs more study. The window side on the front elevation needs to be reduced or broken up so that there are not two double-hung windows side by side. On the back where you show the beetle kill lap siding, is that correct? What is the size? (Mr. Thompson: Yes. They will be different sizes, not shown as 4" reveal lap siding.) We need to be careful about the reveal on that siding. The windows on the west elevation facing Ridge Street need to be broken up, two double hung windows right next to each other is not appropriate in the Historic District.*

Mr. Bertaux: *What is the roof on the south side of the home that goes across the setback? (Mr. Thompson: This roof overhang is for the stairs down to the accessory apartment. Staff has requested the pillars that support the roof be moved out of the setback, but that code does allow a roof overhang of 18" into a setback in the historic district.) Changing the 12:12 roof to an 8:12 pitch would certainly help on the north building. I am not crazy about the large window. Break up the two double-hung windows to be more historic looking. I prefer lap siding and the 4" reveal that is on the adjacent buildings, many of the new vertical siding I've seen seem contrived. I agree with Mr. Stais about the stairway down to the accessory apartment. Possibly another way to enter the accessory apartment could be explored. I don't have a problem with the 4:12 roof pitch. The 12:12 is too steep. I think that a model would help for this project and agree that it can be computer generated, especially to see how this structure and height relates to the adjacent properties on French Street. I like the 52' setback from Ridge Street. I support the additional landscape buffering. I think the 3 points for energy conservation is appropriate. Some additional landscaping between the parking space and sidewalk should be added. Bristlecone pines may be appropriate rather than spruce. I don't understand why the hump in the middle of the lot has to be the point where the building height is measured from.*

Mr. Allen: *Will Mr. Thompson please discuss the priority policies regarding roof pitches? (Mr. Thompson: Roof pitches in the policy talk about being in context with the character area, which is around 10:12 typical in this area and not less steep than that. Mr. Thompson read the policy.) (Mr. Bertaux: what are the pitches on the surrounding buildings?) (Mr. Thompson: About 8:12.) (Mr. Pringle: It seems that the roof pitch should match the adjacent buildings. There is no 12:12 in the adjacent area. If you change the roof pitch will it change the solar panel effectiveness?) (Ms. Alice Santman, Architect: Yes, it will make it better because the optimal pitch is around 40 degrees, 10:12 pitch.) (Mr. Mosher: A lower roof pitch may also allow roof dormers for additional light into the upper elevation.) I think you are off to a great start. I like the Camp Phase style it works well with the Carter Museum across Ridge Street. I like putting logs on the exterior of the structure. Thank you for providing the solar cell calculations. I think you should get positive six (+6) points for solar if you are at 75-100% energy requirements. I like the*

beetle kill and use of local materials. I support the different materials and staining. Recommend that the applicant work through Mr. Stais' comments which were great. Lowering the roof pitch could resolve a lot of issues. I think that maybe 10:12 is the answer for the neighbors, solar and streetscape. Right now we are looking at two story buildings and they need to be 1.5 stories. Uncomfortable with the 4:12 pitch on the garage roof and would like to see it steeper. Support additional landscaping on the French Street side and flexible on the species. I would like to see a model, could be computer generated, and also a streetscape that shows the elevations of the other homes on the block.

Changes From the Previous Submittal

Applicant has changed the roof pitch of the north module from 12/12 pitch down to a 10/12 pitch, which in turn has lowered that roof mean height from 22' – 11 ¾" down to 20' – 11 7/8". This change in the roof pitch and roof height will help the neighbors to the east to still have their view of the Ten Mile Range. The applicant has added sixty square feet of living area; Thirty square feet up stairs as a breakfast nook and another 30 sq. ft. underground just below the new proposed breakfast nook. The new kitchen nook also allows for a more interesting roof form on the north module on the French Street side of the building and makes the connector element appear shorter in length. Also, the applicant has changed the roof form above the garage at the request of Staff and the Planning Commission. Staff believes the new shed roof off of one garage bay is a positive change to the design. The applicant has also chosen to switch the exterior logs to the north module as that is closer to the Carter Museum. At Staff request the applicant has changed the exterior material of the garage to match that of the south module, as opposed to the same exterior material as the connector element. If the garage has the same material as the connector element it appears to be one long connector and does not appear to be two separate modules.

Staff Comments

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

Density/Intensity (3/A & 3/R)/Mass (4/R): The proposed residence of 8,174 sq. ft. is less than the allowable density of 9,920 sq. ft. The proposed mass of 5,113 sq. ft. is less than allowable mass of 11,904 sq. ft. Hence, Staff has no concerns with density or mass.

Architectural Compatibility (5/A & 5/R): Per Policy 5/A, C., (2) A. Aboveground Density in the Historic District: *Within the east side residential, north end residential, and the North Main Street residential character areas, a maximum of 9.0 units per acre for aboveground density for new construction is allowed, except for those developments described in subsection C(2)B of this policy. Projects within such areas which contain 9.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.* The allowable aboveground density on this lot is 4,464 sq. ft. (9UPA x .31 acre x 1,600 = 4,464 sq. ft.). The applicant proposal of 4,458 sq. ft. is less than 9 UPA.

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

similar to that found historically. Logs are discouraged. Rough-sawn, stained or unfinished siding materials are inappropriate on primary structures.

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

Character of historic development

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

*Utilitarian structures of vernacular character, such as barns, wood sheds and stables, are also found from the Camp and Town Phases. These buildings appeared after the “parent” residences were established and served to house supplies, equipment and livestock. **Many were of log construction; others were rough-sawn or unfinished milled lumber.** Many examples survive throughout the historic district. However, the materials recommended in Policy 145 vary from those used in the Settlement and Camp Phase.*

Building Materials

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

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

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

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

One way to look at this project would be that the larger south module is the “parent” house the smaller north module could be viewed as a secondary outbuilding. Perhaps if viewed in this light the vertical reclaimed barn wood appearance could be approved for the south module. Taking into consideration the discussion above and the location of the project adjacent to the Carter Museum perhaps a log cabin appearance and a barn like appearance is appropriate for this application. **For this project to be**

approved, the Commission will need to find that this application meets Priority Policy 145, or that this policy does not apply.

Building Scale

Policy:

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

Design Standards:

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

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

The proposed north module is 1,040 sq. ft. and the south module is 1,522 sq. ft. Both modules are around the average size of 1,500 sq. ft. The entire project does not exceed 9 UPA. Nearly half (3,625 sq. ft.) of this project is proposed below grade. The larger masses are located near the middle of the lot, back from public view. The existing trees along with proposed landscaping will screen larger building masses. Staff believes the applicant has done a good job breaking up the building scale and putting much of it below grade.

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

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

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

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

The applicant has kept the roof height as measured to the mean below 23' (22' – 11 ¾"). The two-story modules are setback from the street near the middle of the lot. Staff has no concern with the height of the structures.

Site and Environmental Design (7/R): Staff believes the proposed compact site plan does minimize site surface disruption. The large yard with the 52' setback helps the project develop in a visually cohesive manner while providing privacy for the occupants of the site and buffering to the neighboring properties as well. The applicant is now proposing six spruce trees 8' to 10' tall, twelve aspen trees 1 ½" to 2" caliper at least 50% multi-stem, one bristlecone pine tree 4' to 6' tall, and one Pfitzer pine 4' to 5' tall. A color landscaping plan will be available at the meeting. Staff would like to thank the applicant for adding trees to help buffer the project. Staff has no concerns with the proposed landscaping plan.

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

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

The applicant is well within the front yard setback at 52', (to match other historic neighboring properties), side yard setbacks are met at 5' (with an 18" encroachment for the roof overhang above the stairs down to the accessory apartment), and the rear setback of 17' to the house and 20' setback to the garage doors are met. Due to the 18" encroachment into the side yard setback the proposal receives negative (-3) points for meeting three of the four required setbacks.

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

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

Landscaping (22/A & 22/R): It is the intent of this Policy to provide buffers between a residence, its neighbors, and adjacent streets. The applicant is now proposing six spruce trees 8' to 10' tall, twelve aspen trees 1 ½" to 2" caliper at least 50% multi-stem, one bristlecone pine tree 4' to 6' tall, and one Pfitzer pine 4' to 5' tall. A color landscaping plan will be available at the meeting. Staff would like to thank the applicant for adding trees to help buffer the project. Staff has no concerns with the proposed landscaping plan.

Energy Conservation (33/R): *Renewable Sources of Energy: The implementation and operation of systems or devices which provide an effective means of renewable energy are encouraged. The provision of solar space heating and solar hot water heating, as well as other renewable sources, are strongly encouraged.* The solar consultant on this project has provided us with information that shows this will be a 6.1 kW system that would offset 100% of the electric needs of a typical single family home. Staff believes that this solar system proposed deserves positive six (+6) points.

Point Analysis(Section: 9-1-17-3): Staff believes the proposed solar panels warrant positive six (+6) points under Policy 33/R Renewable Sources of Energy. Negative three (-3) points must be assigned for the 18" side yard encroachment. Hence, the proposal passes with a positive point analysis of three (+3) points.

Staff Recommendation

Staff recommends the Planning Commission approve the Carter Ridge Residence, PC#2009076, Lot 3, Abbett Addition, located at 112 N. Ridge Street, with the attached Findings and Conditions.

Final Hearing Impact Analysis

Project: Carter Ridge Residence
 PC#: 2008076
 Date: 10/01/2008
 Staff: Matt Thompson, AICP

Positive Points +6
 -
Negative Points - 3
 -
Total Allocation: +3

Items left blank are either not applicable or have no comment

Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	Architectural Compatibility / Historic Priority Policies	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10	(-3>-6)		
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)	- 3	
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	External Circulation	Complies		
18/A	Parking	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		

21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		
22/R	Landscaping	4x(-2/+2)		
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)	+6	
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37/R	Cucumber Gulch/Setbacks	2x(0/+2)		
37/R	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		

TOWN OF BRECKENRIDGE

**Carter Ridge Residence
Lot 3, Abbett Addition
112 N. Ridge Street
PERMIT #2008076**

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 **September 28, 2009**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **October 6, 2008**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires three years from date of issuance, on **October 13, 2012**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy

should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.

6. Applicant shall not place a temporary construction or sales trailer on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. Driveway culverts shall be 18 inch heavy duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
9. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snow plow equipment from damaging the new driveway pavement.
10. Applicant shall field locate utility service lines to avoid existing trees.
11. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

12. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
13. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
14. 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 of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
17. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property.

18. Applicant shall install chain link fencing around the construction site. An on-site inspection shall be conducted.
19. Applicant shall provide a copy of the ACOE permit, and the FEMA CLOMR to the Town.
20. 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.
21. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

22. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
23. Applicant shall remove leaf clutter, dead 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.
24. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
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.
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)

CARTER RIDGE RESIDENCE

PROJECT SUMMARY

LOT SIZE:	13,397 SF / 0.31 ACRES	100%
BUILDING COVERAGE:	3,322 SF	26.3%
PORCHES & PATIO:	430 SF	4.7%
25% OF PAVING TO BE PROVIDED SINKHOLE STACK	593 SF	4.4%
TOTAL LOT COVERAGE:	5,438 SF	40.5%
TOTAL OPEN SPACE:	7,959 SF	59.5%
TOTAL ALLOWED (UP TO 200) PROJECT IS 3,100 SF PER CODE WHICH ALLOWS FOR 4,448 SF ABOVE GROUND DENSITY		
TOTAL ALLOWED MASS FOR PROJECT SITE IS 20% WHICH IS 9,318 SF		
TOTAL ALLOWED PROJECT DENSITY 9,842 SF		
TOTAL PROPOSED ABOVE GROUND DENSITY IS 4,438 SF		
TOTAL PROPOSED MASS IS 979 SF		
TOTAL PROPOSED DENSITY IS 8,174 SF (ABOVE & BELOW)		
BASEMENT, 4 BEDROOMS/BATH, 3,655 SF		
MAIN FLOOR, 2 1/2 BATH, 2,971 SF		
UPPER LEVEL, 2 1/2 BATH, 964 SF		
TOTAL FINISHED, 7,488 SF		
GARAGE, 679 SF		
SHADOW DENSITY - SQUARE FOOTAGE COUNTED TOWARD DENSITY ABOVE 14'-0" PLATE HEIGHT AT LIVING ROOM, 624 SF		
TOTAL ABOVE GROUND DENSITY, 4,438 SF		
TOTAL MASS, 979 SF		
GROSS AREA, 8,174 SF		
FRONT SETBACK REQUIREMENT IS "HISTORIC" AT 32' PER THE TOWN OF BRECKENRIDGE HISTORIC GUIDELINES. THE PROPOSED HOME'S FRONT BUILDING PACKAGE MEETS THIS REQUIREMENT.		
BUILDING HEIGHT AS MEASURED TO THE MEAN OF THE RIDGE PER THE TOWN CODE AND HISTORIC GUIDELINES IS 23'-0" BEFORE INCURRING PENALTIES FOR EXCEEDING HEIGHTS. THE PROPOSED HOME IS 22'-11" TO THE NORTH BUILDING'S MEAN AND 22'-11" TO THE SOUTH BUILDING GABLE'S MEAN.		

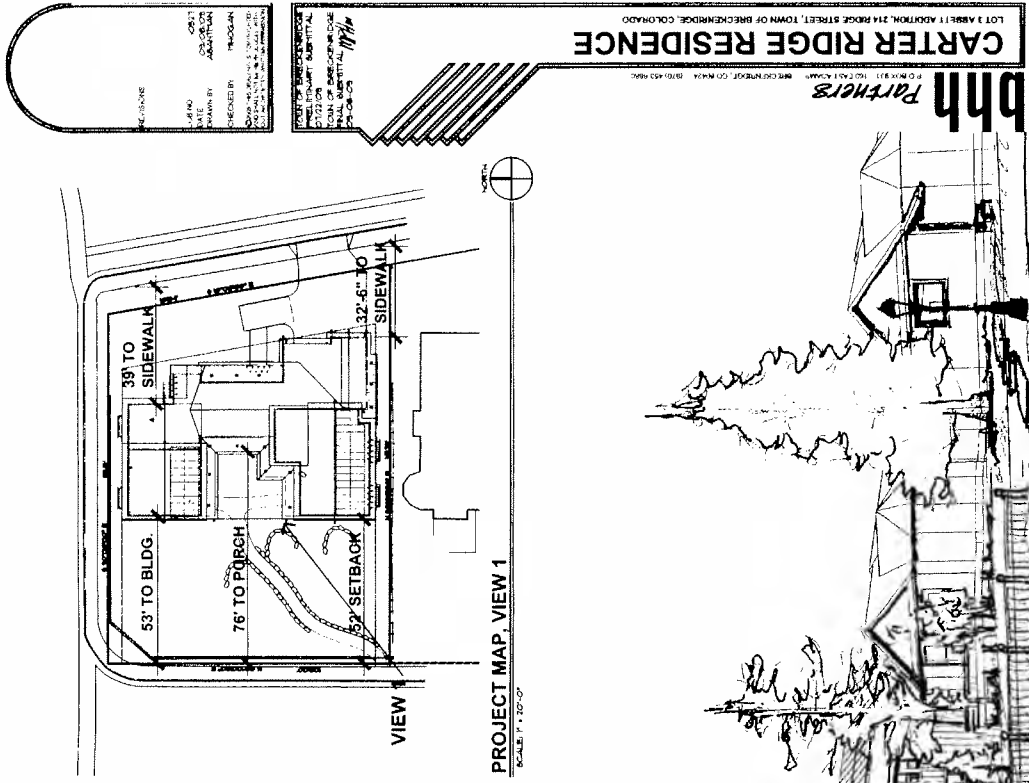
SHEET INDEX

Sheet 1	30' TRAPEZOID PROJECT SETBACK
Sheet 2	20' FRONT SETBACK
Sheet 3	20' FRONT SETBACK
Sheet 4	BUILDING ELEVATIONS
Sheet 5	PLAN LAYOUT
Sheet 6	PLAN LAYOUT
Sheet 7	PLAN LAYOUT
Sheet 8	PLAN LAYOUT
Sheet 9	PLAN LAYOUT
Sheet 10	CONSTRUCTION UTILITY / DRAINAGE
Sheet 11	CONSTRUCTION UTILITY PLAN
Sheet 12	CONSTRUCTION UTILITY PLAN

LEGAL DESCRIPTION

LOT 1, 1/4-SECTION 10, T4N, R10E, CO. NEBRASKA

Sheet 1	30' TRAPEZOID PROJECT SETBACK
Sheet 2	20' FRONT SETBACK
Sheet 3	20' FRONT SETBACK
Sheet 4	BUILDING ELEVATIONS
Sheet 5	PLAN LAYOUT
Sheet 6	PLAN LAYOUT
Sheet 7	PLAN LAYOUT
Sheet 8	PLAN LAYOUT
Sheet 9	PLAN LAYOUT
Sheet 10	CONSTRUCTION UTILITY / DRAINAGE
Sheet 11	CONSTRUCTION UTILITY PLAN
Sheet 12	CONSTRUCTION UTILITY PLAN



CARTER RIDGE RESIDENCE
 LOT 1, 1/4-SECTION 10, T4N, R10E, CO. NEBRASKA
 PROJECT NUMBER: 2024-001
 SHEET NUMBER: 01 OF 12



PROJECT VIEW FROM RIDGE STREET, SOUTHWEST
 SCALE: 1/8" = 1'-0"

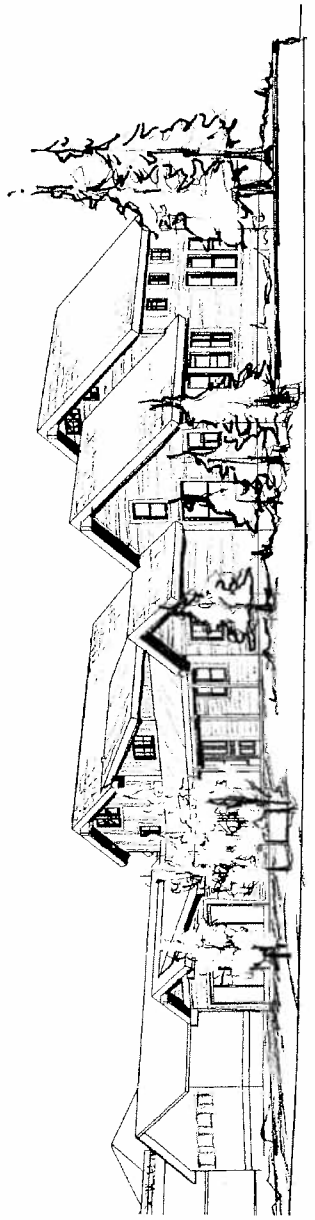
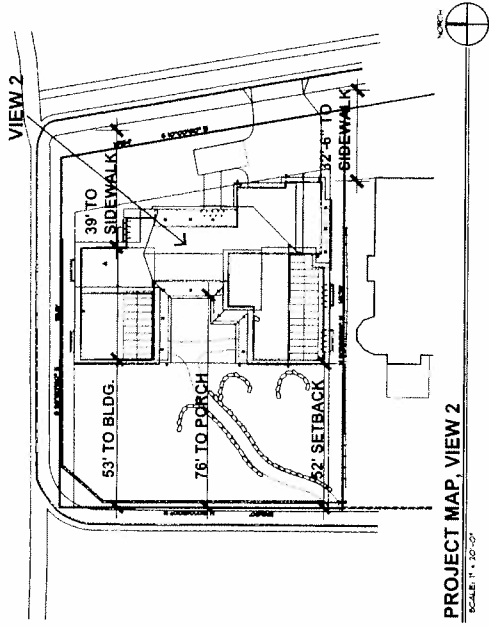
CARTER RIDGE RESIDENCE

bhh
Partners

LOT 3 BARRETT ADDITION, 214 RIDGE STREET, TOWN OF BRECKENRIDGE, COLORADO
CARTER RIDGE RESIDENCE

DATE: 08/11/11
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN

PROJECT NUMBER: [Number]
SHEET NUMBER: [Number]
OF 10



PROJECT VIEW FROM CORNER OF FRENCH & WELLINGTON, NORTHEAST
SCALE: 1/4" = 10'-0"

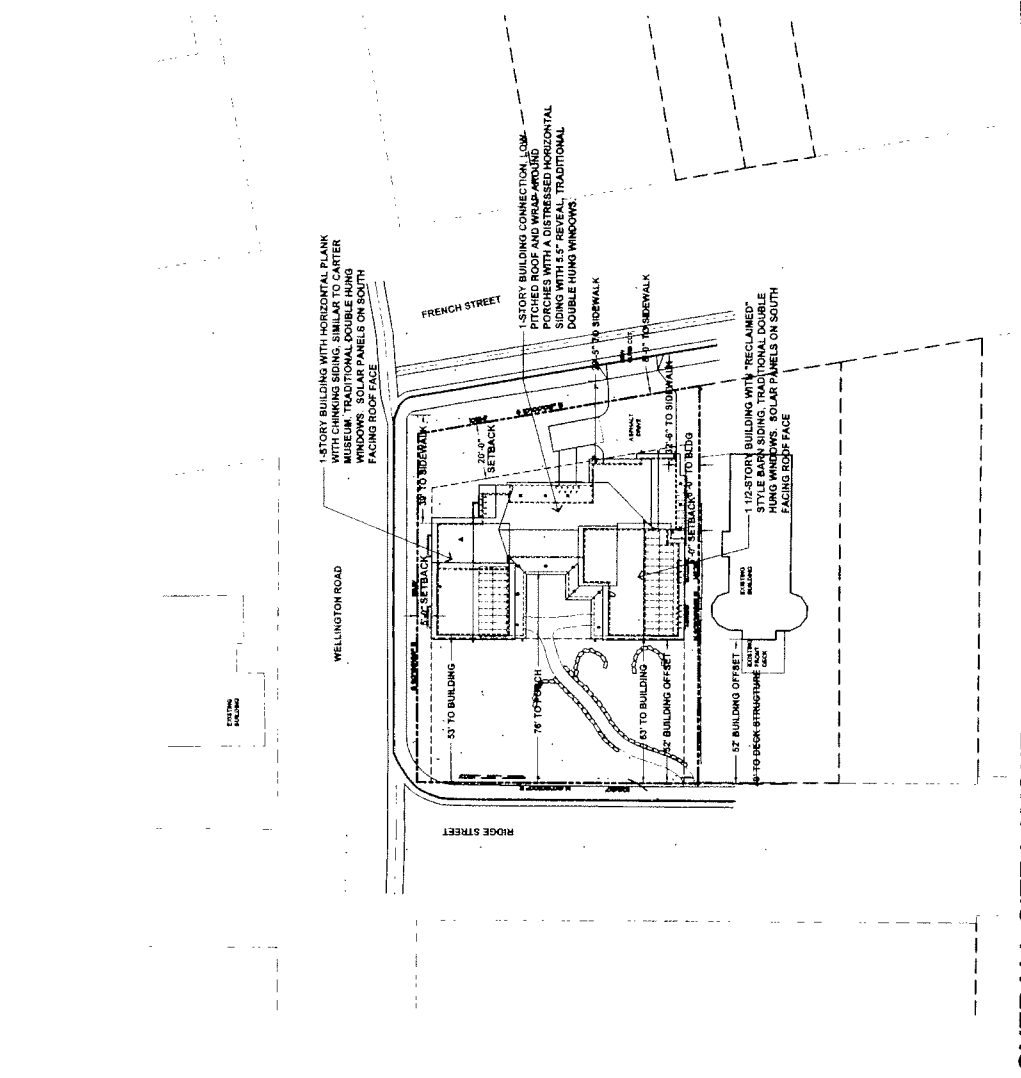
REVISIONS

DATE: 02/14/14
 DRAWN BY: J. HARRIS
 CHECKED BY: T. MOON
 PROJECT: 140125

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

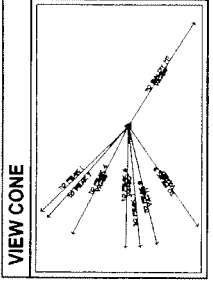
bhh Partners
 BRECKENRIDGE, COLORADO (970) 453-4588

Sheet 3
 OF 10

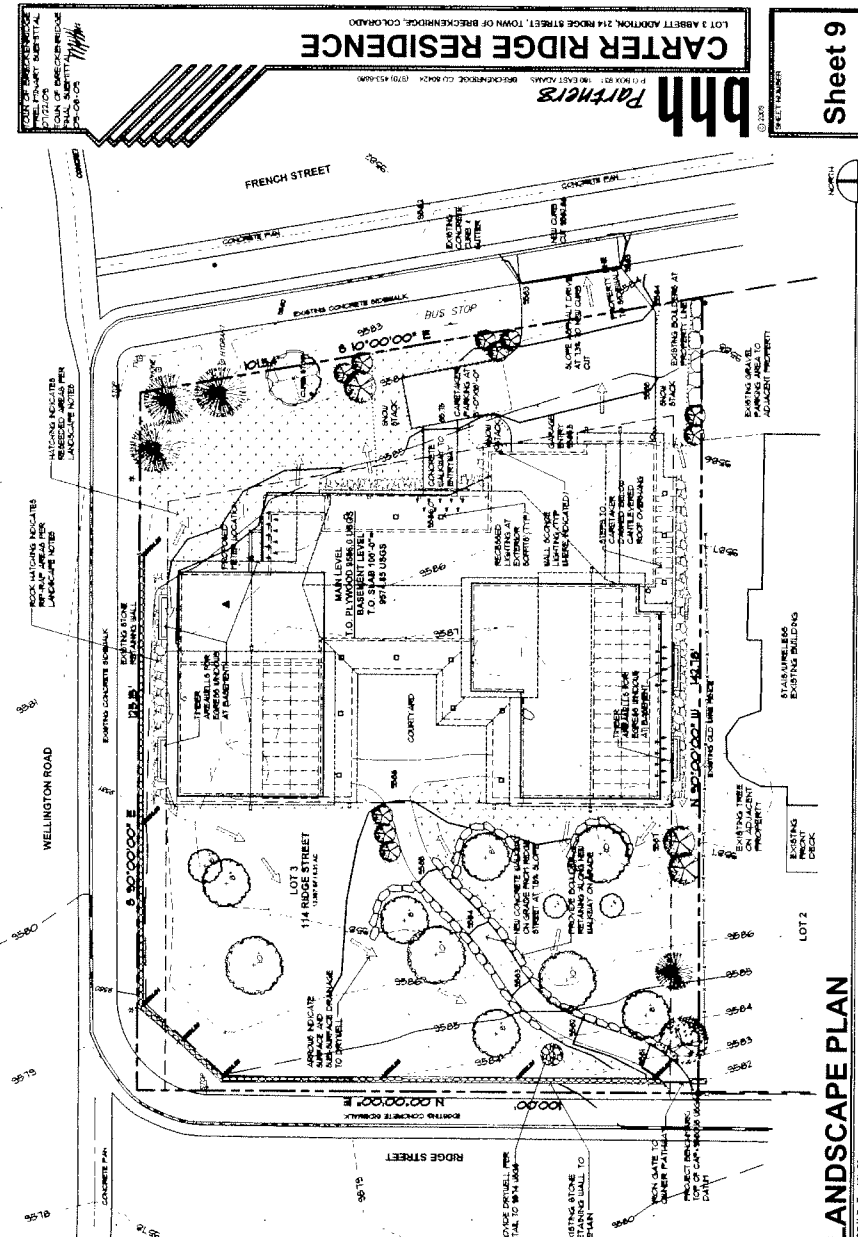


OVERALL SITE LAYOUT
 SCALE: 1" = 12'-0"

OWNER: KIMBERLY HARRIS P.O. BOX 102 BRECKENRIDGE, CO 80424 (970) 453-3981 khh@bhhpartners.com	ARCHITECT: bhh PARTNERS 50 EAST ASHES STREET BRECKENRIDGE, CO 80424 (970) 453-4588 FAX	CONTRACTOR: TBD	ENGINEER: TBD	SURVEYOR: TERRY J. HARRIS P.O. BOX 102 BRECKENRIDGE, CO 80424 (970) 453-3981
---	---	---------------------------	-------------------------	--



CONTRACT NO. 20170120-0001
 PROJECT NO. 20170120-0001
 DATE: 12/1/17
 DRAWN BY: J. HADLEY
 CHECKED BY: T. HADLEY
 PROJECT MANAGER: J. HADLEY
 PROJECT LOCATION: 114 RIDGE STREET, WINDSOR, ONTARIO
 CLIENT: B. CARTER



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

LANDSCAPE NOTES

1. ALL LANDSCAPING SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE TOWN OF BRIDGEVIEW, ONTARIO LANDSCAPE REGULATIONS.

2. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION.

3. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION.

4. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION.

5. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION.

6. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION.

7. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION.

8. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION.

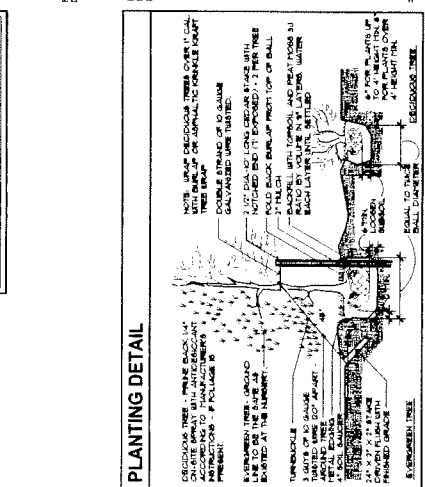
9. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION.

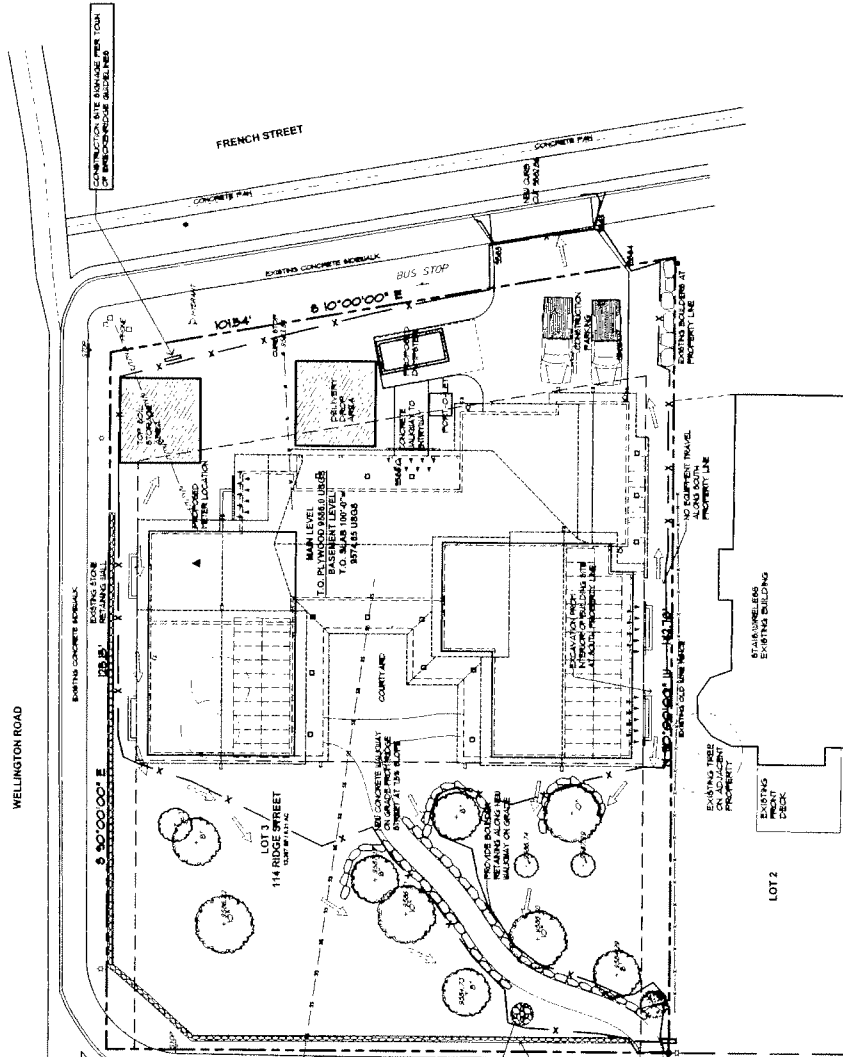
10. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION. ALL TREES SHALL BE PLANTED AT THE TIME OF CONSTRUCTION.

PLANTING LIST & NOTES

KEY SYMBOL	BOTANICAL	NO.	SIZE
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)
(Symbol)

NOTE: ALL LANDSCAPING SHALL BE INSTALLED IN STRICT ACCORDANCE WITH THE TOWN OF BRIDGEVIEW, ONTARIO LANDSCAPE REGULATIONS.





NOTE: PROVIDE REGIONAL CONTROL TO MATCH WITH ADJACENT AREAS. SEE THE SCHEDULE FOR REQUIRED TIES FOR OTHER MATERIALS AND CONNECTIONS. PROVIDE TIES AT ALL CONNECTIONS AT 12\"/>

CHAIN LINK FENCE TO BE PROVIDED AS SHOWN. PROVIDE REGIONAL CONTROL TO MATCH WITH ADJACENT AREAS. PROVIDE TIES TO BE SET IN CONCRETE PER SECTION 506.01. PROVIDE TIES AT ALL CONNECTIONS AT 12\"/>

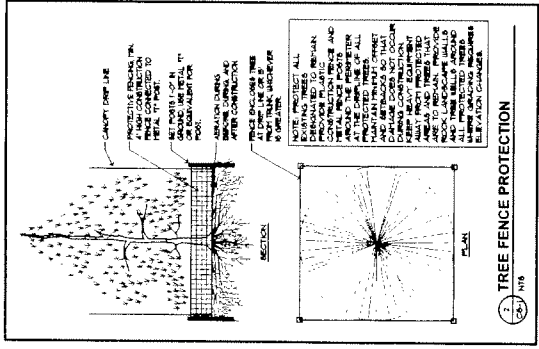
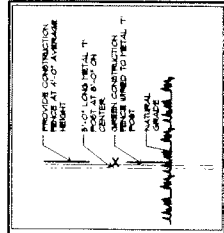
ATCHING LOCATES ARE SHOWN. PROVIDE REGIONAL CONTROL TO MATCH WITH ADJACENT AREAS. PROVIDE TIES AT ALL CONNECTIONS AT 12\"/>

PROTECT TREES WITH 2\"/>

PROVIDE SMALL PER DETAIL TO PER I&M.

EXISTING STONE RETAINING WALL TO REMAIN.

PROVIDE PER DETAIL TO PER I&M. DATE:



CONSTRUCTION STAGING PLAN
 SCALE: 1/4" = 1'-0"

bhh
Partners

012006

CARTER RIDGE RESIDENCE

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

Sheet 4

SHEET NUMBER

OF 10

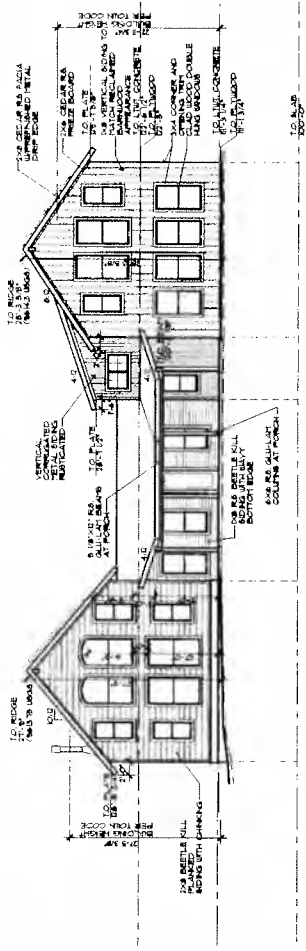
PROJECT: CARTER RIDGE RESIDENCE

DATE: 08/14/2014

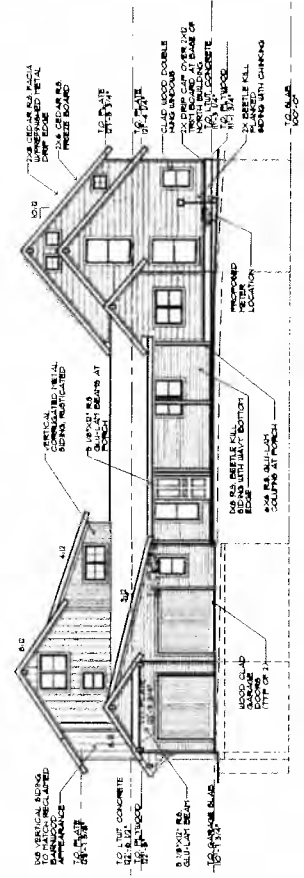
DESIGNED BY: THOMAS

CHECKED BY: THOMAS

SCALE: AS SHOWN



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



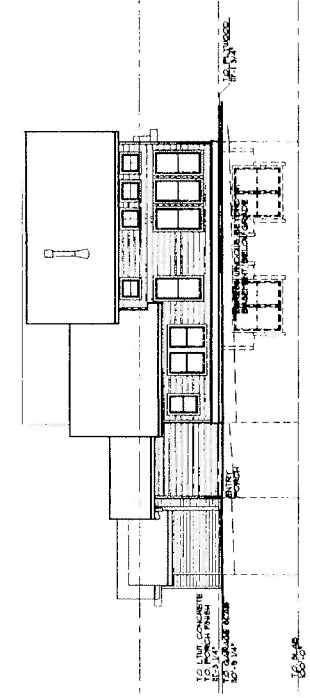
FACING FRENCH STREET / EAST ELEVATION
SCALE: 1/8" = 1'-0"

bhh Partners
 170 BOX 531 160 EAST AVENUE BRECKENRIDGE CO. COLORADO 80424 (970) 433-8888

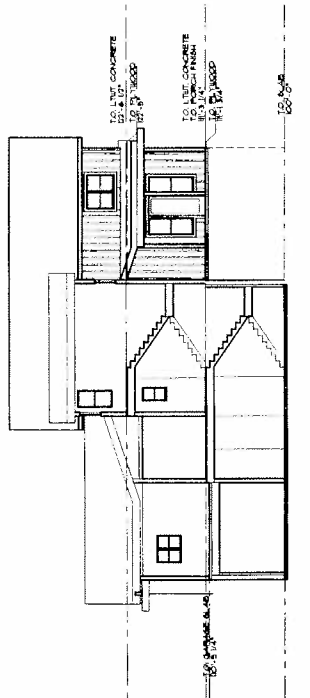
CARTER RIDGE RESIDENCE
 LOT 7 BARRETT ADDITION, 214 RIDGE STREET, TOWN OF BRECKENRIDGE, COLORADO

PROJECT NO. 170110
 DATE: 07/21/09
 TOTAL OF SHEETS: 10
 SHEET NO. 5 OF 10

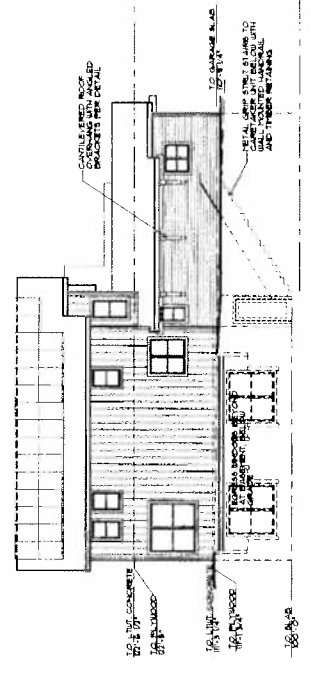
DESIGNER: bhh PARTNERS
 ARCHITECT: bhh PARTNERS
 CONTRACTOR: bhh PARTNERS
 CLIENT: bhh PARTNERS
 PROJECT: bhh PARTNERS



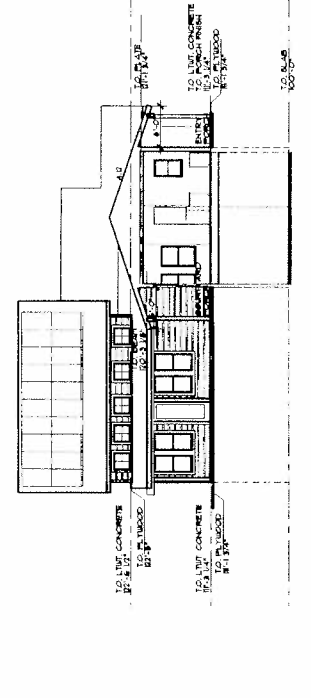
FACING WELLINGTON / NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



NORTH COURTYARD ELEVATION/SECTION
 SCALE: 1/8" = 1'-0"



FACING STAIRS BLDG. / SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

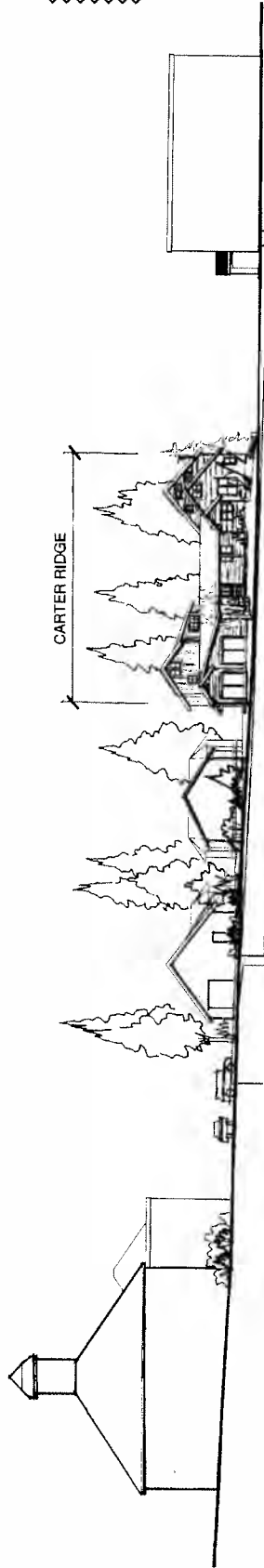


SOUTH COURTYARD ELEVATION/SECTION
 SCALE: 1/8" = 1'-0"

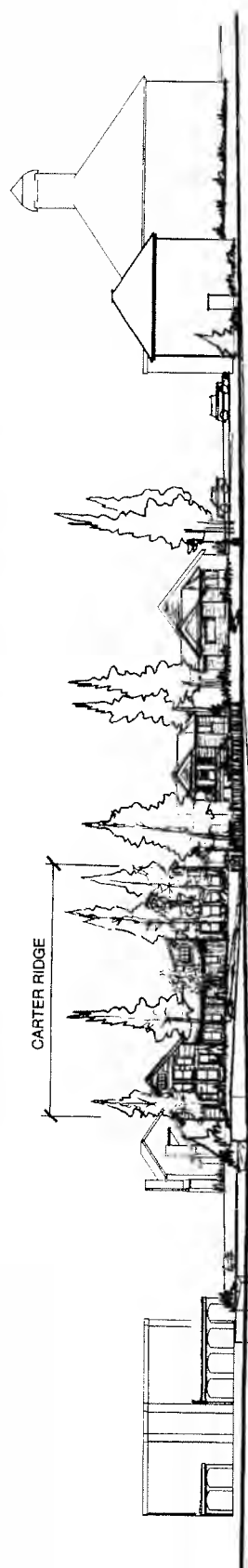
DATE: 05/14/14
 DRAWN BY: J. THOMAS
 CHECKED BY: J. THOMAS
 PROJECT: CARTER RIDGE RESIDENCE
 CLIENT: bhh PARTNERS
 100 EAST KANSAS, BRECKENRIDGE, CO 80424 (970) 433-9999

bhh PARTNERS
 PROJECT: CARTER RIDGE RESIDENCE
 100 EAST KANSAS, BRECKENRIDGE, CO 80424 (970) 433-9999
CARTER RIDGE RESIDENCE
 LOT 3 BARRETT ADDITION, 214 RIDGE STREET, TOWN OF BRECKENRIDGE, COLORADO
 05/14/14
 DATE: 05/14/14
 DRAWN BY: J. THOMAS
 CHECKED BY: J. THOMAS
 PROJECT: CARTER RIDGE RESIDENCE
 CLIENT: bhh PARTNERS
 100 EAST KANSAS, BRECKENRIDGE, CO 80424 (970) 433-9999

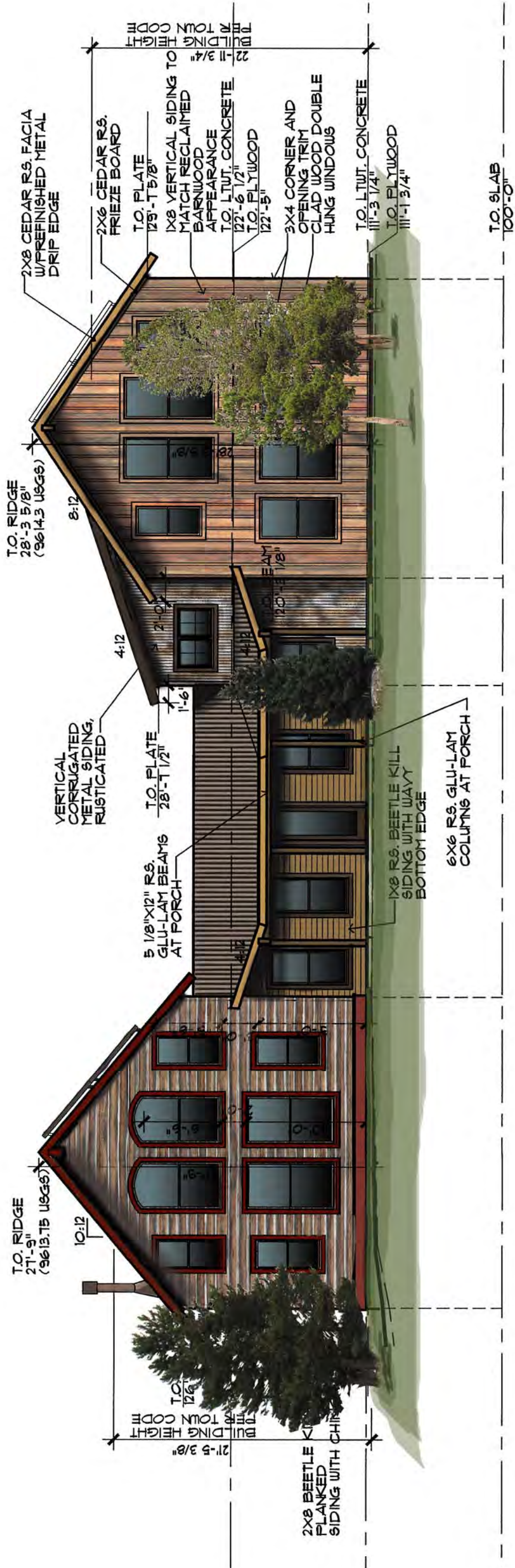
STREET SCAPES
 OF: 10



STREETSCAPE AT FRENCH LOOKING WEST



STREETSCAPE AT RIDGE LOOKING EAST

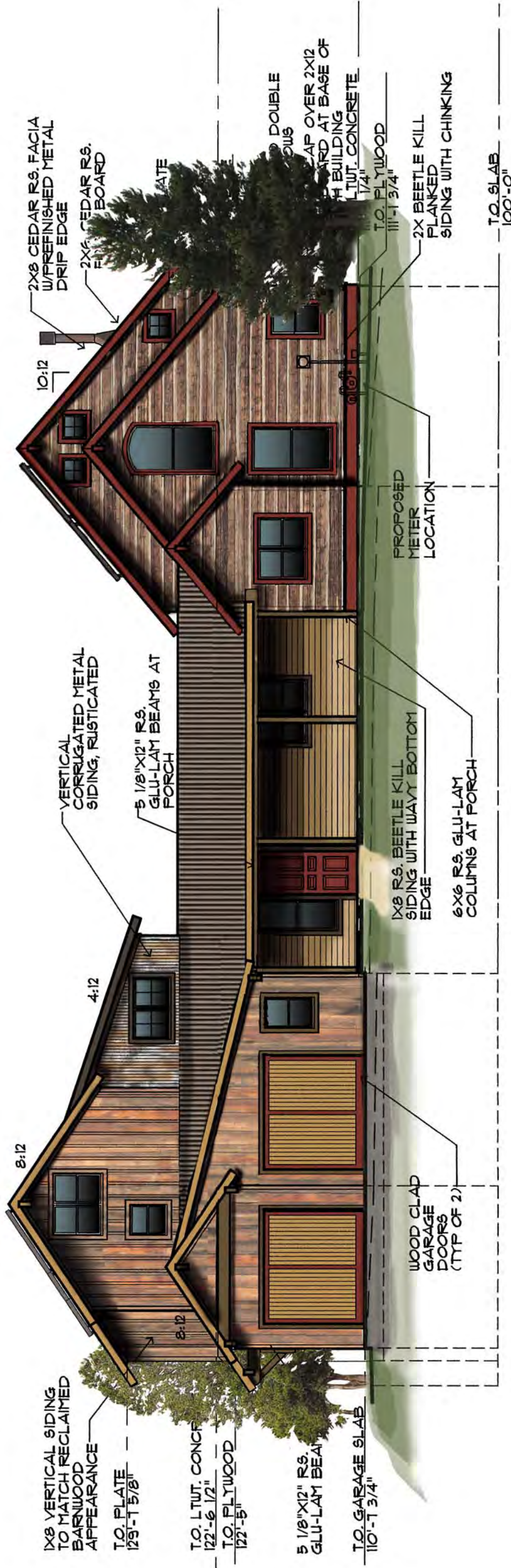


RIDGE STREET ELEVATION

CARTER RIDGE RESIDENCE



September 8, 2009
10527



FRENCH STREET ELEVATION

CARTER RIDGE RESIDENCE



September 8, 2009
10527



Solar Photovoltaic Panels

Due to the high alpine conditions we experience in this region, additional factors should be considered when choosing which PV panels to use.

The ice and snow that forms on a roof will also form on PV modules; Summit County building codes require that the panels are able to hold a minimum number of pounds per square foot of snow loading. The load capacity rating requirement varies from 60 pounds per square foot in parts of Silverthorne to 100 pounds per square foot in Blue River. Not all panels and racking systems meet this requirement.

PV Panel Specifications

Innovative Energy uses a wide variety of panel manufacturers to design and install the best system for each individual case. Listed below are a few of the panels available for use.

Panel	Dimensions	ft ² per Panel	ft ² per kW*	Benefits
BP 175	63" x 31.1"	13.61 ft ²	81.66 ft ²	Works with enphase inverters
BP 195	66.14" x 32.95"	15.13 ft ²	75.65 ft ²	High snowload rating
Siliken 225	64.57" x 38.98"	17.48 ft ²	69.92 ft ²	Same power density and snowload as BP, less expensive
SunPower 225	61.39" x 31.42"	13.39 ft ²	53.56 ft ²	Best power density, all black exterior
Uni-Solar 128	216" x 15.5"	23.25 ft ²	186 ft ²	Thin and flexible, glassless design

* The actual kW output for the given ft² may be slightly above or below 1 kW

What Size PV System is Best for You?

Given that the average single family home uses approximately 12,000 kWh/year, this table shows what size system would be required to offset a percentage of that usage.

Offset		Size* (kW)	ft ² Required**				
%	kWh		BP 175	BP 195	Siliken 225	SunPower 225	Uni-Solar 128
15%	1,800	1.2	95.3	90.8	87.4	66.95	209.3
30%	3,600	2.4	190.5	181.6	192.3	147.3	441.8
50%	6,000	4.1	313	317.7	314.6	241	744
75%	9,000	6.1	476.4	469	472	361.5	1116
100%	12,000	8.2	639.7	635.5	629.3	482	1488

* According to the PV Watts Calculator using data from the NREL station located in Eagle, CO and using Xcel Energy's ideal PV system positioning.

** The given ft² may produce slightly more or less power than specified. Actual ft² required will also vary depending on the orientation and design of the location where the PV system is to be mounted.

Planning Commission Staff Report

Project Manager: Michael Mosher

Date: September 18, 2009 (For meeting of October 6, 2009)

Subject: Whitehead Building (Prospector) Rehabilitation and Landmarking, (Class B Historic, Preliminary Hearing; PC#2009042)

Applicant/Owner: Steve Pinewski, Pinewski Builders

Agent(s): Andy Stabile 2B Design/Build and Robbie Dixon Equinox Architecture

Proposal: To construct a historically accurate restoration of the west façade of the Whitehead Building, a new foundation beneath the historic building, restoration and full basement for the historic shed, removal of the east non-historic additions and replacement of a historically compliant new addition. The upper level will be for residential use while the main level will remain as restaurant use.

Address: 130 South Main Street

Legal Description: Lot 3, Block 1, Stile Addition Subdivision (less the south two feet)

Site Area: 0.07 acres (3,151 sq. ft.)

Land Use District: 19, Commercial uses

Historic District: #6, Core Commercial, 1:1 F.A.R. (residential use has 1,000 SF multiplier)

Site Conditions: The narrow lot has the existing Prospector Restaurant, a historic shed and a separate cooler. The remaining lot is unimproved dirt/gravel. The historic shed is located over the south property line.

Adjacent Uses:

North:	Mary's Famous Mountain Style Cookies
East:	Alley and the Town's Arts District
South:	Wildflower Clothing and Apparel
West:	Main Street and several retail spaces

Density:

Allowed under LUGs:	3,151 sq. ft. (100% Commercial)
Proposed density: Restaurant	1,102 sq. ft. (55% Commercial)*
Apartment	899 sq. ft. (45% Residential)
<hr/>	
Total Density:	2,001 sq. ft.

** Density is 42 square feet under. Landmarked basement of shed does not count towards density calculations.*

Mass:

Allowed per LUGs (w/ proposed mixed use):	2,184 sq. ft.
Proposed mass:	2,181 sq. ft.

** Mass is 2.7 square feet under.*

Height:	Recommended:	25' (mean);
	Existing:	24'-6" (see discussion below)
	Proposed:	13'-3" (mean); 14'-6" (overall)
Parking:	<u>Existing:</u>	
	Restaurant:	5.66 spaces in district
	Apartment:	2 spaces on site
	<u>Required:</u>	
	Restaurant:	3.85 spaces in district
	Apartment:	2 spaces, on site
	<u>Proposed:</u>	
	Restaurant:	3.85 spaces in district
	Apartment:	4 spaces, on site
Snowstack:	Required:	204 sq. ft. (25%)
	Proposed:	320 sq. ft. (39%)
Setbacks:	Front:	0 ft.
	Sides:	.5 ft.
	Rear:	46 ft.

Item History

Based on the Town's Cultural Survey:

Harry S. and Jennie Whitehead came to Breckenridge in 1880. Harry soon found work as a carpenter and a miner. Jennie discovered that single miners paid well for "home cooking." Around 1892, Harry Whitehead constructed this building as the Arcade Hotel. This short-lived hotel venture prepared Jennie for her next foray into the boardinghouse business. She began sharing her hotel/home with boarders and, in 1902, she reopened the Arcade Restaurant downstairs to hungry miners. She also began leasing an office space upstairs, first to Dr. C. H. Scott in 1899 and, later, to Dr. Osborne in 1905. Attorney Frank Goddard moved into the same office space in 1907. Jennie Whitehead eventually earned renown as Breckenridge's "keeper of popular and homelike boardinghouses."

After Jennie died of pneumonia in 1904, Harry Whitehead left town for good. Summit County Government placed a tax lien on the property on December 23, 1907, and acquired it in 1913 to provide low-income housing for widows. Florence Tressler resided here for many years under the "Widow Fund" program.

The building was remodeled as a restaurant in 1970. Owners in recent years have included Wayne A., Bert, and Phyllis Goldwater; Larry L. Diehl; Kim and Rosie Batcheller; Sandra Gaylord; Deena Denea; and Trent E. Saviers. The building most recently housed the Prospector Restaurant downstairs, and apartments upstairs.

With this application:

The historic Whitehead building will be raised 18 inches (to correct drainage issues) and receive a foundation (none exists now). The historic shed will be carefully dismantled (preserving the historic fabric) and re-assembled over a new full basement with sistered framing inside. The original lower level Main Street façade will be restored based on historic photographs (the upper level has remained unchanged over the years). All historic windows will remain.

The non-historic rear additions are to be removed and replaced with a similar size addition with historically compliant detailing.

Staff Comments

Land Use (Policies 2/A & 2/R): The property lies within Land Use District 19 which recommends commercial use with allowed secondary residential uses. The restaurant is on the Main Street level and the apartment is on the upper (alley) level, abiding with the Downtown Overlay district guidelines. Staff has no concerns with the proposed uses.

Density/Intensity (3/A & 3/R)/Mass (4/R): The existing structures are over the allowed density for the size of the lot. Since portions of the existing structures are being removed, the proposed new development will bring the density into compliance with the allowed density and mass for the property.

As part of the restoration and rehabilitation, the main building and shed are to be locally landmarked. Chapter 11, Title 9 of the Town Code, “Historic Preservation”, allows locally landmarked buildings to not count the density located beneath the historic structures. With this application, the drawings show that the shed will have a full basement. Staff has not counted the 205 square feet in the density calculations.

The current set of plans shows the proposed development is under the allowed density. However, the proposal is over mass by 21 square feet. Staff believes that this slight overage can be corrected by the next submittal.

Architectural Compatibility (5/A & 5/R): This policy covers the compatibility of the architecture based on the Development Code and those design standards found in the Handbook of Design Standards for the Historic and Conservation Districts plus the Design Standards for the Historic District, Character Area #6, Core Commercial. The materials of the building are all natural cedar siding and wood trim with the exception of the lower portion of the east addition, which is naturally rusting corrugated metal siding that constitutes less than 25% of each elevation.

The Main Building:

With both the historic photographs and the excellent condition of the upper level of the façade facing Main Street Staff has little concerns with the proposed restoration. Staff is pleased that this is part of the proposal and believes it will be a benefit to the historic district.

Chapter 4.3 of the Handbook of Design Standards for the Historic and Conservation Districts addresses the design of a typical storefront along Main Street. Part of the criteria includes a recessed entry element. Based on the historic photographs and the Town Historian, this entry was never recessed. The remaining elements (proposed and existing) conform to the guidelines. Staff has no concerns with the restoration of the front façade.

Most of the guidelines in the handbooks address the impacts of development towards Main Street. Since the only new construction is planned at the back of the lot, many of the design standards are non-applicable.

Policies 215 and 216 of the Design Standards for the Historic District, Character Area #6, Core Commercial address parking. Specifically, keeping the required parking at the back of the lot, minimizing the visual impact. The plans show the required on-site parking located at the back of the property off the alley. Staff has no concerns.

The existing/remaining historic horizontal lap siding is to be preserved and where it had been removed in the past will be replaced with siding matching the historic profile and exposure.

Priority Policy 80A addresses the use of connectors for additions to historic structures. In this case, the large portions of the east wall of the historic structure had been removed and replaced when the non-historic additions were added at the back of the lot. There is little remaining historic fabric to preserve, only some of the studs. Additionally, any small link would not be visible unless one stood between the walls of the neighboring buildings (3-foot separation to the north and 10-feet to the south). The view from Main Street and the alley would appear the same. The new addition is slightly inset and has a lower roof (similar to the removed addition) preserving the historic fabric that is visible from the alley.

The proposed addition would be attached to the historic building in the same manor as the one being removed except there is a 6” step back from the historic building on the north and south edges. Addressing staff concerns to this proposal, the drawings show a vertical corner board with a 6-inch recess and board and batten siding at the main level and corrugated metal siding on the lower level. Staff believes that these features differentiate the historic building from the new addition. Thus, we believe that Priority Policy 80A is not applicable in this instance. We welcome any Commissioner comments.

The roof of the historic building is corrugated metal and the proposed roof for the addition will match. We have no concerns.

All of the historic windows are to be preserved and restored as necessary. The addition will have three separate vertically orientated wooden double-hung windows side-by-side on the north elevation. The south elevation has one pair of wooden casement windows (over the upstairs kitchen sink) that are not historically compliant. In many approved developments in the historic district this type of window has been allowed as long as they are not on the primary façade of the building. These are well hidden from Main Street and from the Alley. Staff suggests that these windows have divided lights added to accentuate vertical aspects. Staff has no concerns.

The Shed:

Based on the Sanborn Maps, the historic shed was moved to the property sometime after 1914 (our latest map). Staff suspects that it may have been placed on the property in the 1960’s or 1970’s after the non-historic addition was added on the east end of the historic structure. It currently is located over the south property line by 2-feet and the roof sheds water to the south against the neighboring building.

The applicant wishes to move the shed onto the property, and restore and re-use it as a garage for a residential parking space (not restaurant storage) and place a full basement beneath for restaurant storage. *(Staff notes that the Town will require a covenant to be recorded prior to Certificate of Occupancy ensuring the garage remains as residential parking.)*

Priority Policy 69 states: Preserve the original roof form.

- Avoid altering the angle of the roof.
- Maintain the perceived line of the roof from the street.

The concerns are that preserving the existing roof and existing historic openings is vital to having the building landmarked. However, placing the shed on the property such that the water would run into the site instead of out would orientate the openings in such a way to make their locations unusable for adaptive re-use.

Staff has discussed this situation with the Town Historian and we would support and suggest to the Commission that the roof be removed and replaced 180 degrees from its current configuration. This would preserve the fabric and form of the shed while providing a functional re-use of the structure and solve the drainage concerns. This would require special findings at final review in order to landmark the shed with these modifications. We welcome any Commissioner comments.

Staff finds that, pending the Commission finding the design standards and priority policies are being met or are non-applicable, the proposal passes the absolute and relative portions of Policy 5.

Building Height (6/A & 6/R): The Development Code suggests a building height of 25-feet, measured to the mean. The existing restaurant sits about 18 inches below grade at the Main Street. On the existing building, there is a 6” step down immediately inside the entry door and the structure walls are below the sidewalk level. The alley side of the site slopes about 2-feet down towards the back door of the building. Both situations allow water to flow towards the building rather than away. Raising the building 18-inches corrects both drainage concerns. The overall historic height of the building does not change.

The measured height from grade to the highest point on the mean roof restaurant is 24’-6”, or 6-inches below the recommended height per this policy. Staff has no concerns.

Site and Environmental Design (7/R): Since this building is located in Land Use District 19, Commercial uses, and in the Core Commercial Character area, many of the site concerns related to this Policy do not apply. The Whitehead building is only being raised. There is no horizontal change proposed to its location on the site. The historic shed is being placed within the property lines. As the main building is replaced after the foundation is created, the grading and drainage concerns will be corrected to provide positive flow away from the building at the east and west ends. The narrow spaces between the neighboring buildings will be designed to drain the little water that falls between into permeable grade and foundations drains. The Engineering Department has tentatively approved the grading impacts to the site. Staff has no concerns.

Placement Of Structures (9/A & 9/R): Per this section of the Code:

Zero Setback: No portion of any structure including overhangs and projections shall be placed closer than one foot (1') to an adjacent property, except that commercial, office, industrial, or other similar developments may be allowed to be built at the property line in Land Use Districts 11, 18₂, and 19.

(Ord. 19, Series 1988)

As mentioned above, the building is located in a commercial use area. The upper level is residential. The primary use and square footage of the building is commercial. This policy allows zero setbacks for commercial buildings. Similar to the mixed use buildings in the same area, commercial setbacks are being used rather than residential. The building and shed locations abide with this portion of the code. (Staff notes that these setbacks have been reviewed with the Town Building Official to ensure Building Code compliant separation assemblies are also addressed in the reconstruction.)

Snow Removal and Storage (13/R): Adequate and functional snow stacking is provided for the paved areas at the back of the property. Staff has no concerns.

Access / Circulation (16/A & 16/R; 17/A & 17/R): The only site circulation involves the parking off the alley and a service sidewalk to the back door of the restaurant and apartment. There are no inherent conflicts in this small area. Staff has no concerns.

Parking (18/A & 18/R): As noted above the existing parking already in the service area more than covers the required parking for the restaurant. The required parking for the apartment is two spaces. Tandem parking is allowed for residential uses.

The garage parks one vehicle with one in front of the door. If needed, an additional residential parking space fits behind the second car. A separate parking space (perhaps for the restaurant manager or another residential parking space) is located north of the residential parking.

Though not delineated on the drawings correctly, the spaces located off the alley can meet the 5-foot setback as required by code. Staff has no concerns.

Landscaping (22/A & 22/R): Similar to other Core Commercial buildings in the district, no landscaping is required.

Social Community / Employee Housing (24/A & 24/R): The proposed development is less than 5,000 square feet. Thus, no employee housing is required. None is proposed.

24 E. Historic Preservation and Restoration: The exterior restoration of the main building is to include replacement of non-historic siding, repair of historic siding as needed, restoration of trim details, windows, entry door with transom and side-lights, and a new foundation. The inside of the building will be renovated to include sistered framing, new wall finishes, new insulation, new wiring, plumbing and heating.

The historic shed will be dismantled, with documentation per the Historic Standards Guidelines, and re-assembled with sistered framing, new historic compliant roofing, new electrical, restoration of the historic openings with compliant windows and doors, insulation and a new full basement. Per this section of the Code:

+6 *On site historic preservation/restoration effort of average public benefit. Examples: Preservation of, or the installation of a new foundation, structural stabilization, complete restoration of secondary structures.*

+9 *On site historic preservation/restoration effort of above average public benefit. Examples: Restoration/preservation efforts for windows, doors, roofs, siding, foundation, architectural details, substantial permanent electrical, plumbing, and/or mechanical system upgrades, structural stabilization,*

or restoration of secondary structures, which fall short of bringing the historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style.

Based on the criteria listed above, Staff believes this effort could be awarded positive nine (+9) points. Does the Commission concur?

Landmarking: Per Ordinance No. 24, Series 2001; An Ordinance Adopting Chapter 11 of Title 9 of The Breckenridge Town Code Concerning Historic Preservation:

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

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

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

Staff believes that the restoration of this building and shed warrant being locally landmarked based on the following criteria (see ordinance for full listing).

a. Architectural

- 1. Exemplifies specific elements of architectural style or period.*
- 5. Is of a style particularly associated with the Breckenridge area.*
- 6. Represents a built environment of a group of people in an era of history.*

b. Social

- 3. Is associated with a notable person or the work of a notable person.*

The building is being raised 18 inches to correct drainage concerns, but is being left in the same position horizontally. Though not historically located on the site until some time after 1914, the shed is historic and is being restored and left in the approximate same location of the site. With only one criterion needed to landmark the building, we feel comfortable that this proposal would easily meet the needed criteria. Does the Commission concur?

Utilities Infrastructure (26/A & 26/R; 28/A): All utilities are in the adjacent street and alley. Staff has no concerns.

Drainage (27/A & 27/R): With the restoration and rehabilitation, positive site drainage is being created. Staff has no concerns.

Point Analysis (Section: 9-1-17-3): Staff will present a formal point analysis at the next hearing. Pending the Commission finding two of the Priority Policies (80A and 69) the application has not incurred any negative points. We anticipate positive points for the historic preservation.

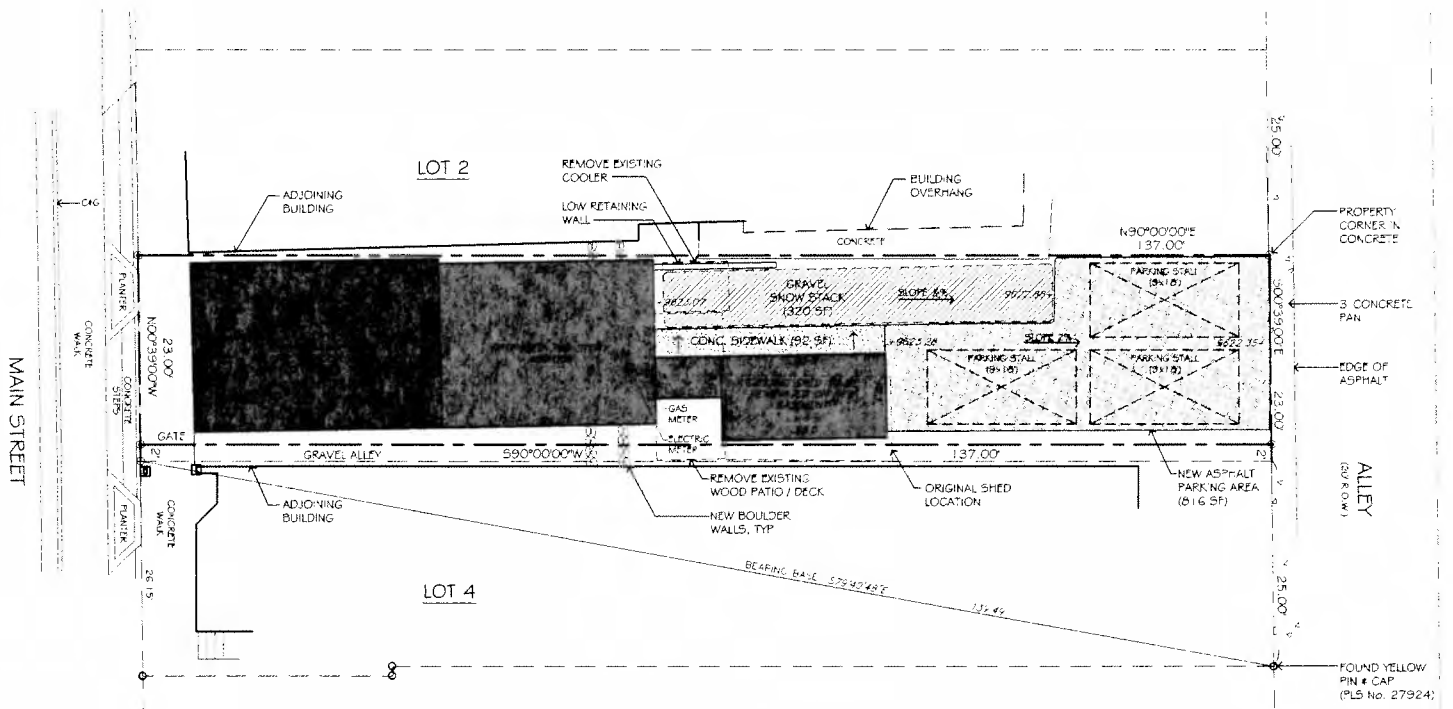
Staff Recommendation

The applicant and agent have worked closely with staff to work out the details of this proposal prior to this preliminary hearing. There have been pre-application meetings with both Planning and Building staff to answer questions as the drawings were created.

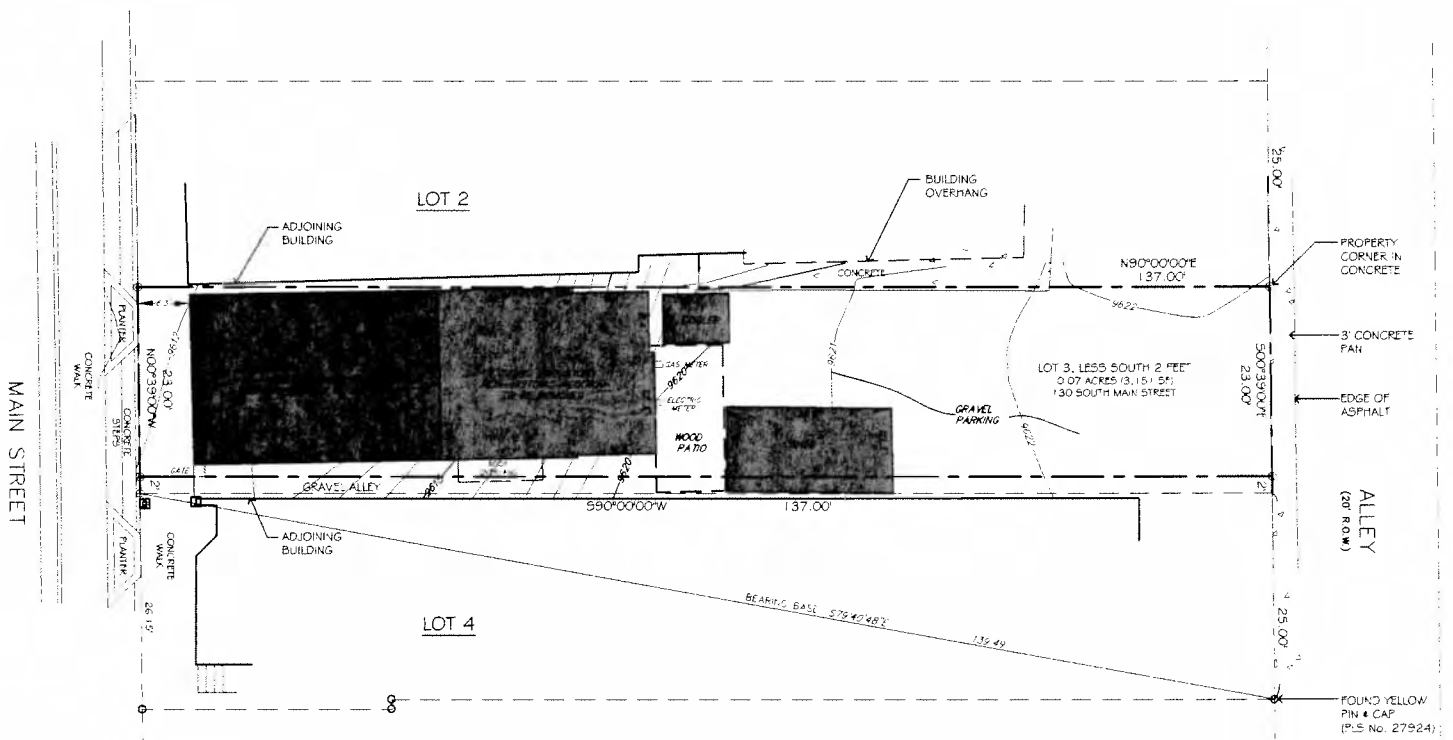
Staff has the following questions for the Commission and would welcome any additional comments regarding this application:

1. Based on the removal of the existing addition and the replacement of the new addition, does the Commission believe that Priority Policy 80A (concerning links) is non-applicable?
2. Would the Commission support rotating the existing roof over the shed 180 degrees to correct drainage issues and find that the intent of Priority Policy 69 is being met?
3. Does the Commission concur with staff regarding the positive nine (+9) points for historic restoration efforts?
4. Does the Commission support having the building and shed locally landmarked?

Based on your comments, the Planning Department recommends this application return for second review.

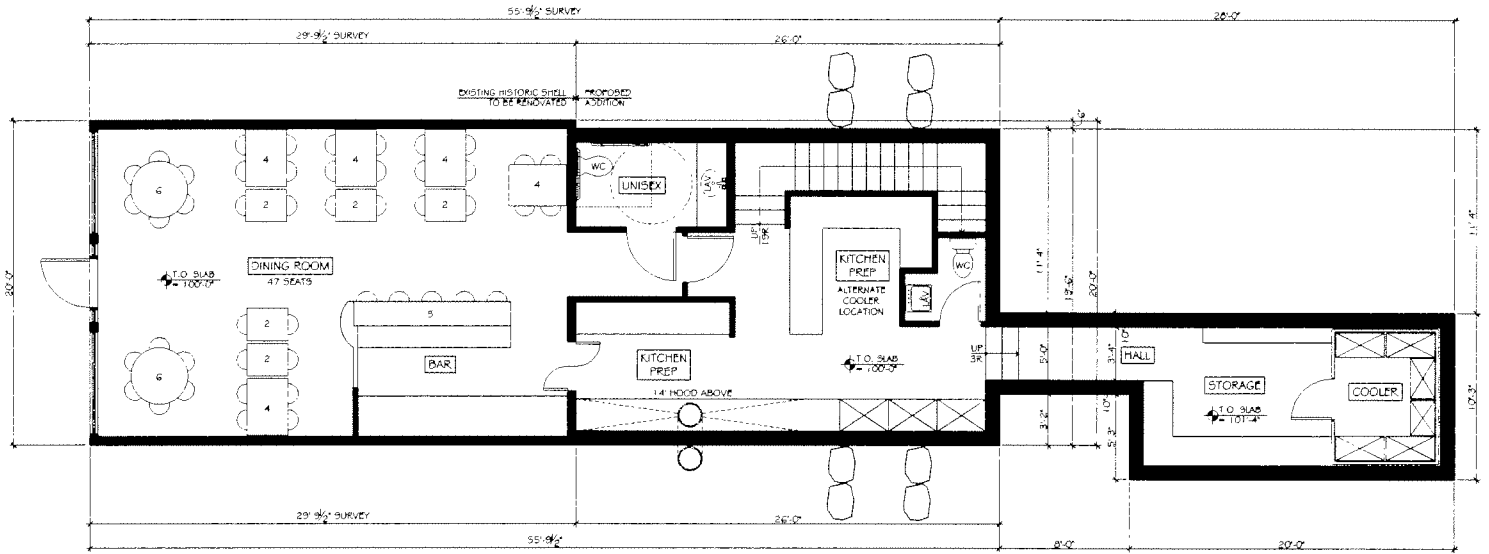


PROPOSED SITE PLAN



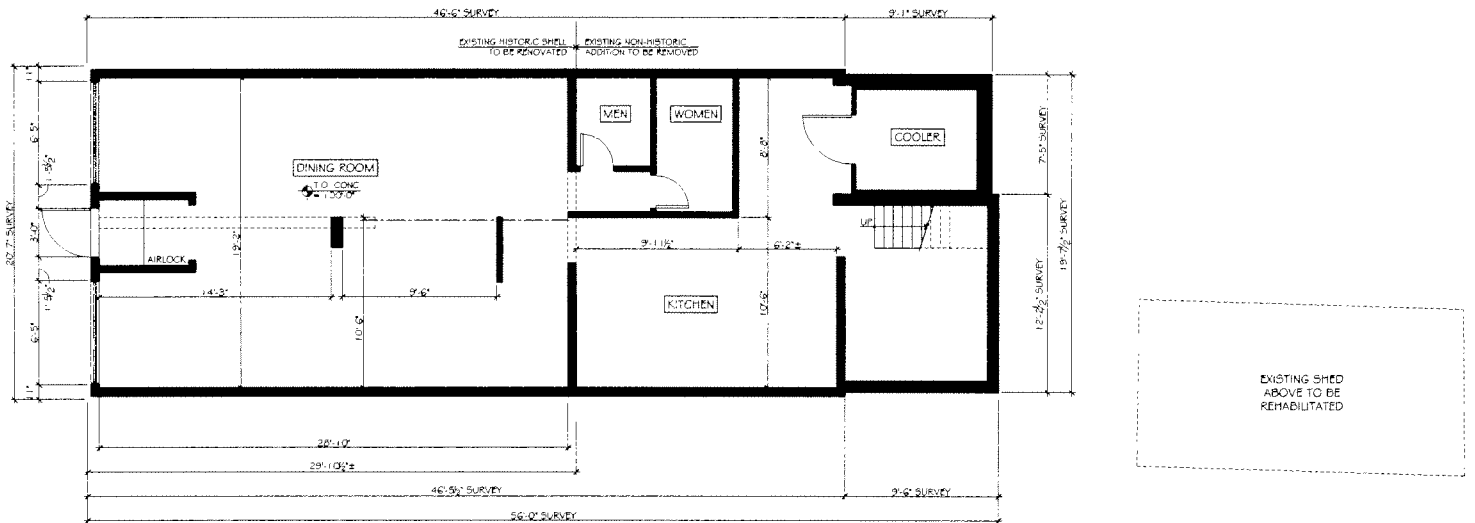
EXISTING SITE PLAN





PROPOSED MAIN LEVEL FLOOR PLAN (STREET LEVEL)

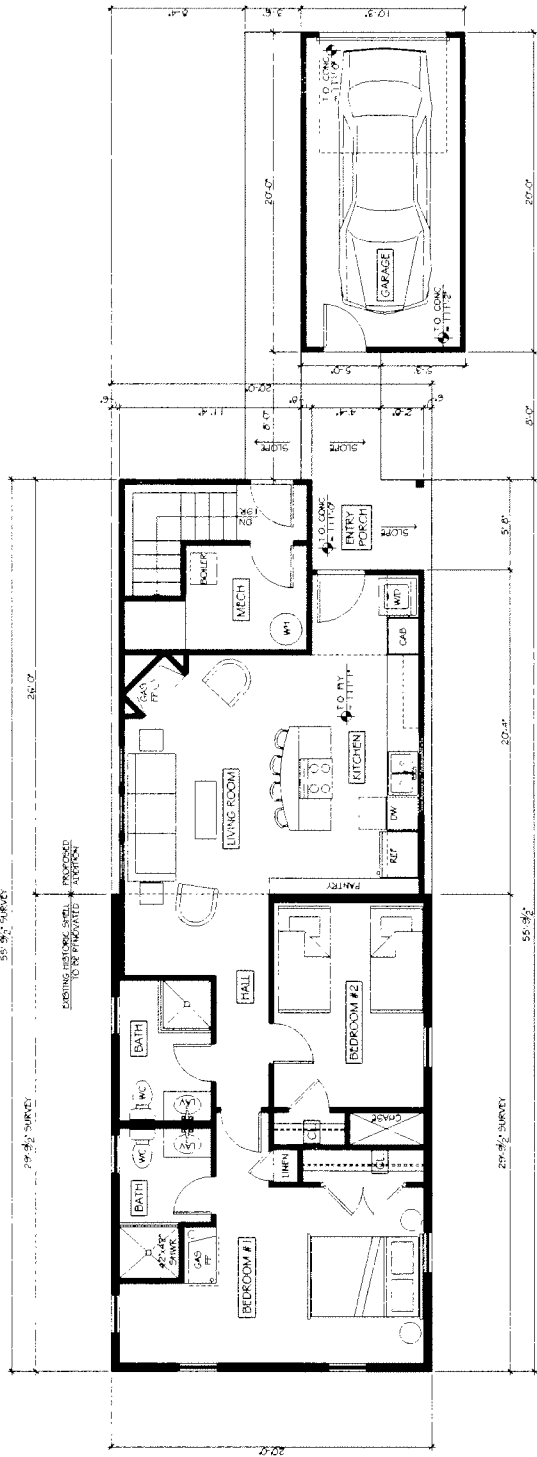
1/4" = 1'-0"



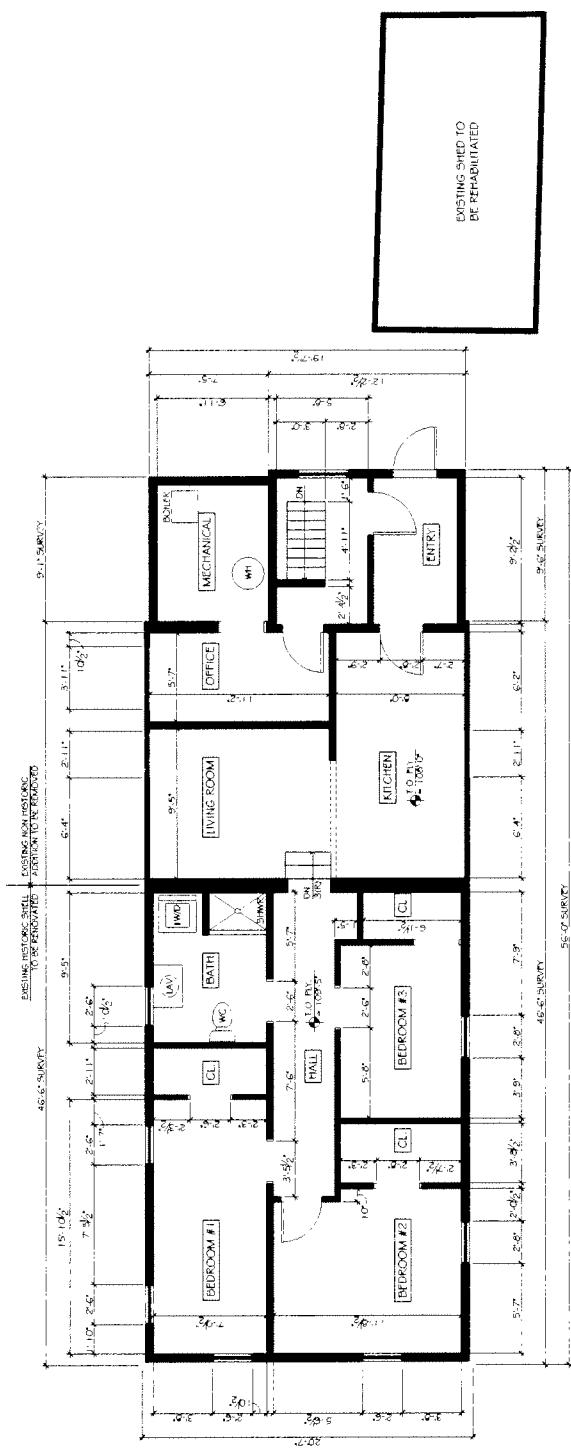
EXISTING MAIN LEVEL FLOOR PLAN (STREET LEVEL)

1/4" = 1'-0"

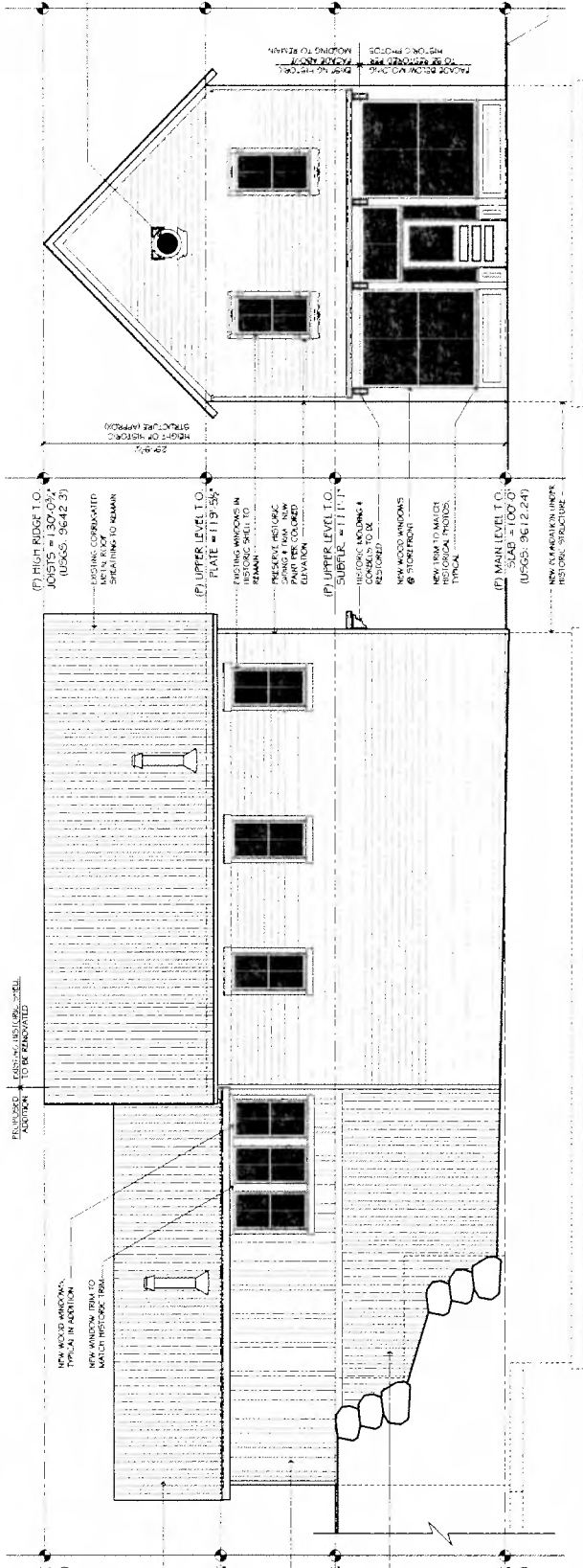




PROPOSED UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"

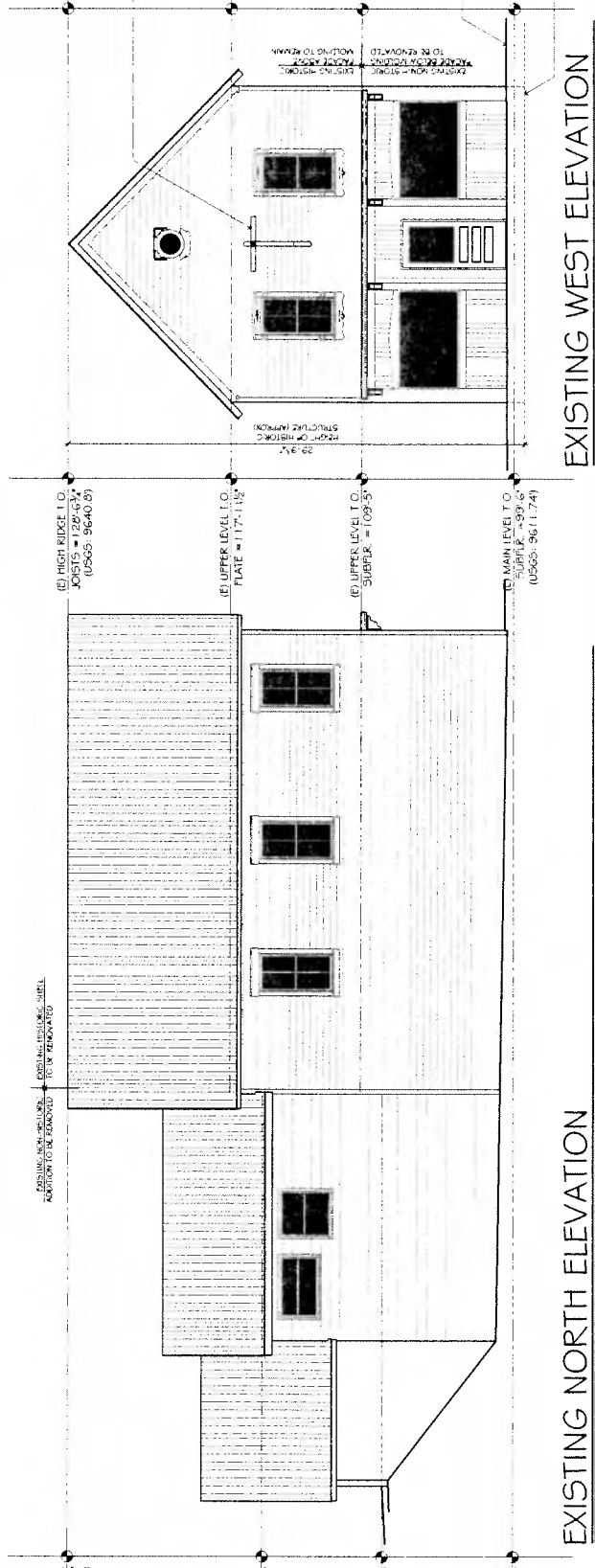


EXISTING UPPER LEVEL FLOOR PLAN
1/4" = 1'-0"



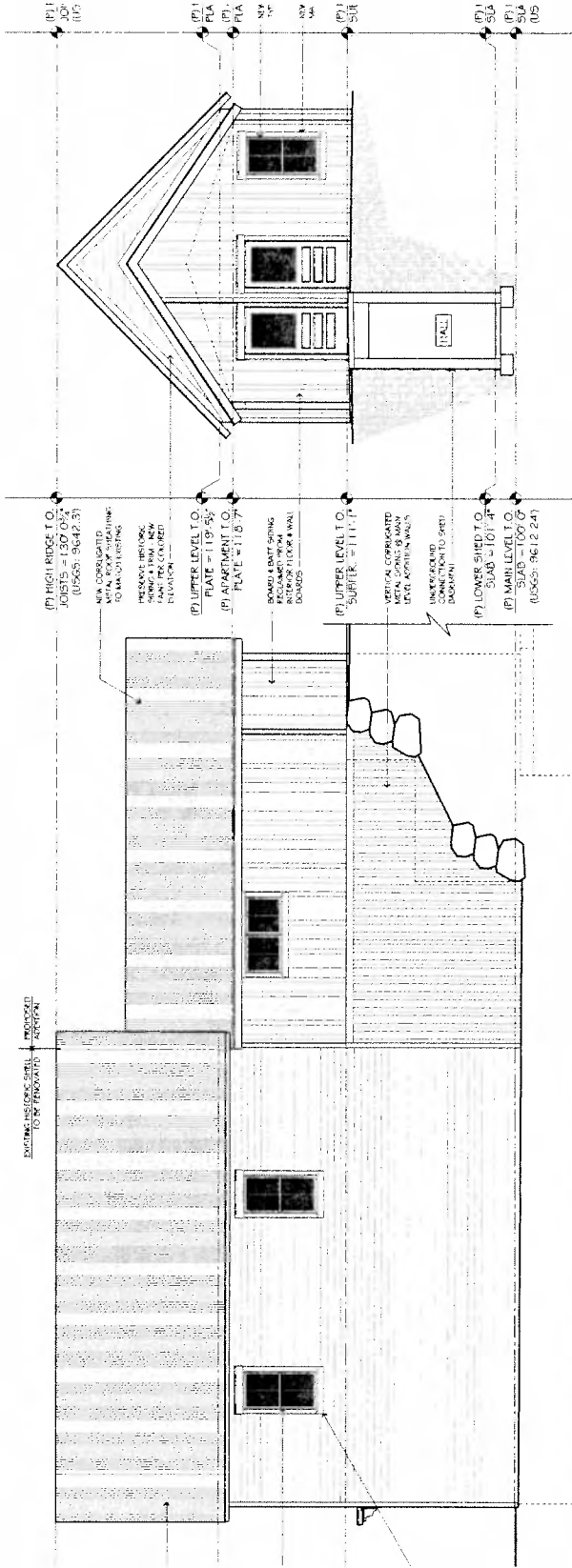
PROPOSED NORTH ELEVATION
1/4" = 1'-0"

PROPOSED WEST ELEVATION
1/4" = 1'-0"

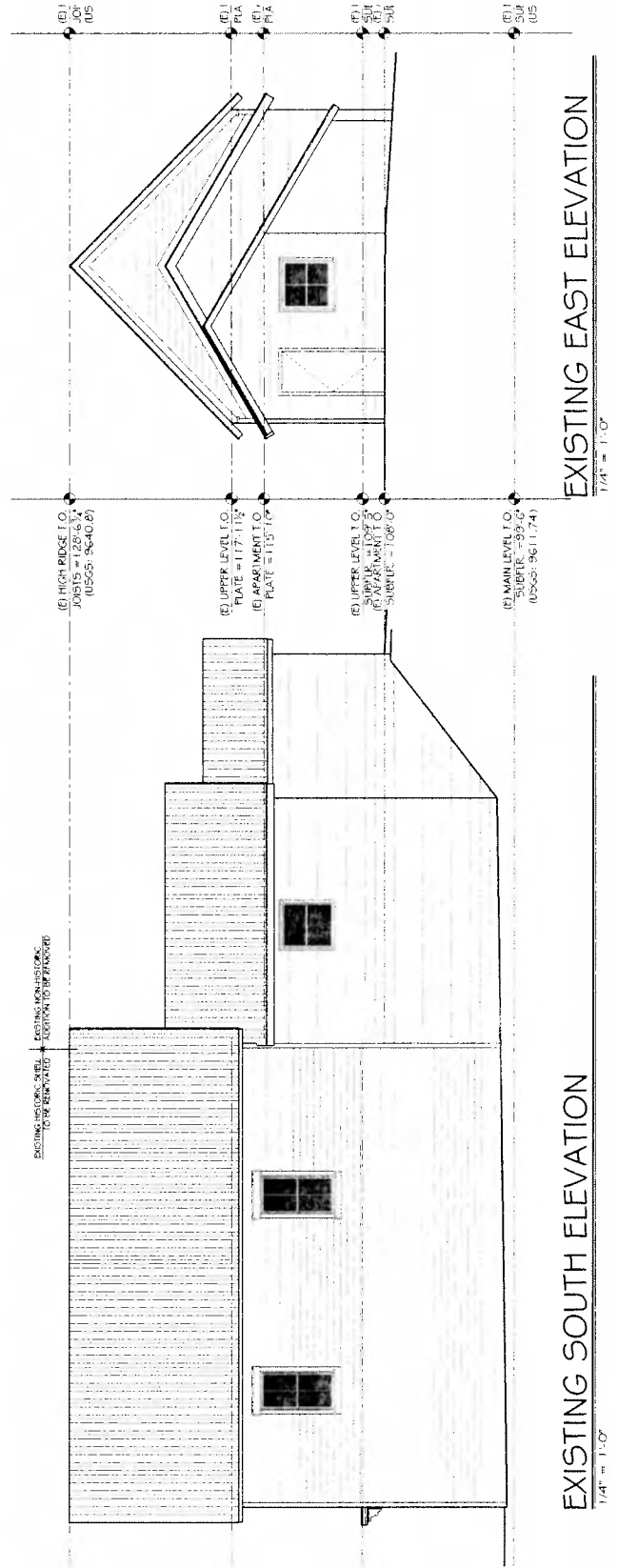


EXISTING NORTH ELEVATION
1/4" = 1'-0"

EXISTING WEST ELEVATION
1/4" = 1'-0"

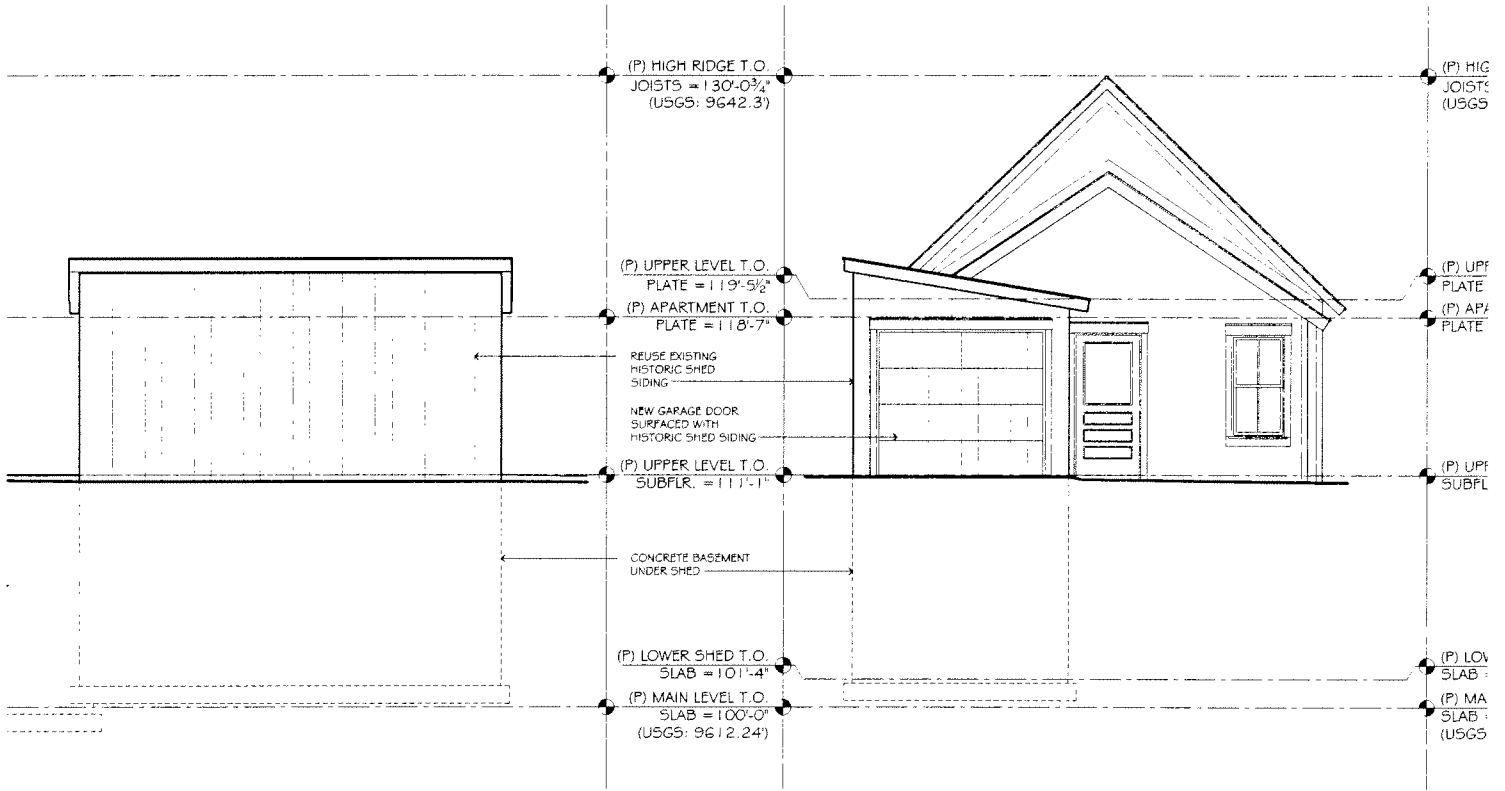


PROPOSED EAST ELEVATION
1/4" = 1'-0"



PROPOSED SOUTH ELEVATION
1/4" = 1'-0"

EXISTING SOUTH ELEVATION
1/4" = 1'-0"

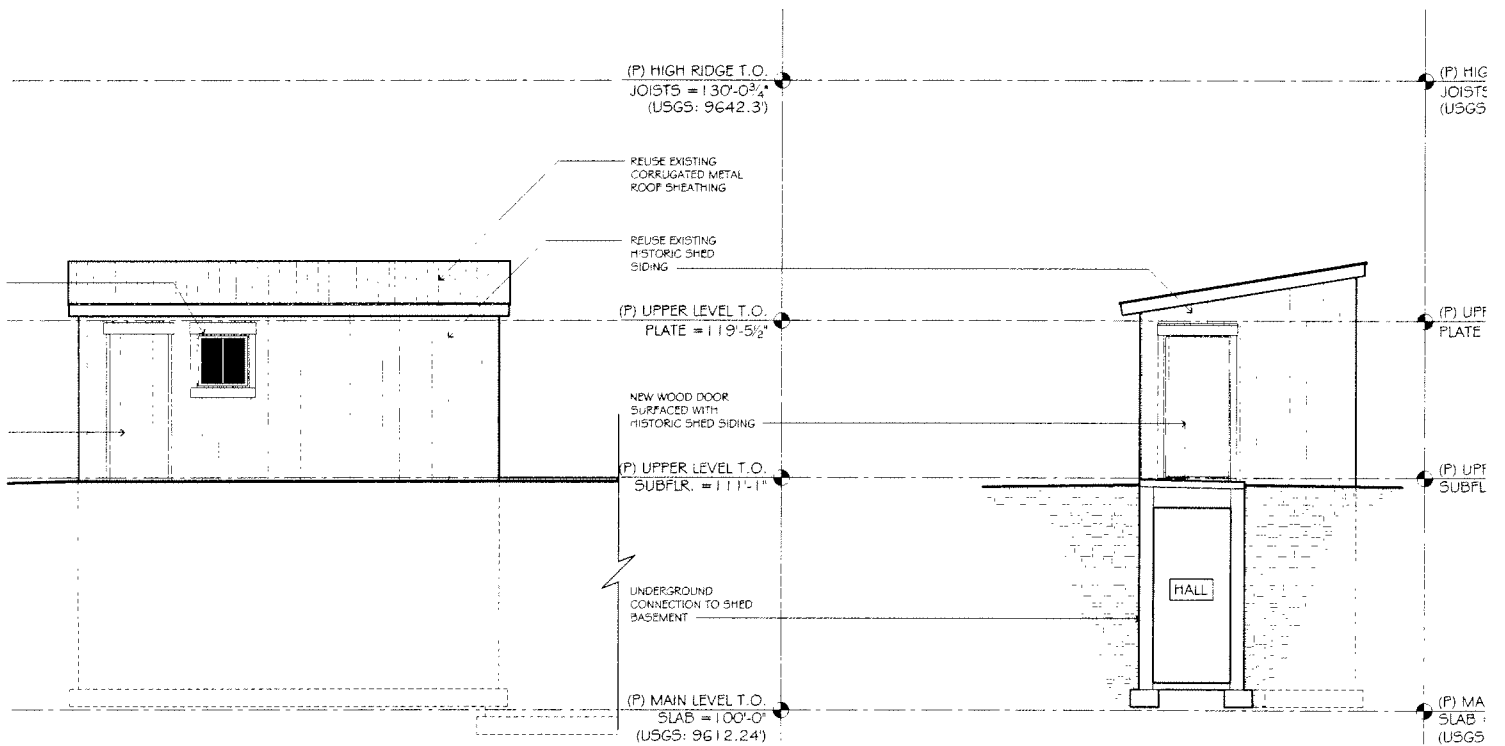


SOUTH SHED ELEVATION

1/4" = 1'-0"

EAST SHED ELEVATION

1/4" = 1'-0"



NORTH SHED ELEVATION

1/4" = 1'-0"

WEST SHED ELEVATION

1/4" = 1'-0"

Planning Commission Staff Report

Project Manager: Matt Thompson, AICP

Date: October 1, 2009 (For meeting of October 6, 2009)

Subject: A request for a Setback Variance (Class B, Combined Final and Preliminary Hearing; PC#2009043)

Applicant/Owner: Kurt and Antoinette Harries

Proposal: The variance request is from Policy 9, Placement of Structures, to allow reduced side yard building setbacks. (No home is proposed at this time. The home would be designed after the setbacks are determined).

Address: 49 White Cloud Drive

Legal Description: Lot 4, Block 1, Warriors Mark West, Filing 3

Site Area: 0.26 acres (11,325 sq. ft.)

Land Use District: 30.5 – Residential

Site Conditions: The lot slopes downhill from White Cloud Drive to the east at about 15%. The property is wooded with mature Lodgepole pines. There is no platted envelope for the site.

Adjacent Uses: Single family houses

Density: Allowed under LUGs: Unlimited sq. ft.

Mass: Allowed under LUGs: Unlimited sq. ft.

Setbacks: Front: 25 ft.
(Proposed) Side: 7.5 ft.
Side: 7.5 ft.
Rear: 15 ft.

Setbacks:
(Current Town of Breckenridge setbacks
Outside of The Conservation District)

Front: 25 ft.
Combined side yard: Fifty Feet (50') (total of both side yards).
Rear: Fifteen feet (15')

Item History

This lot was platted in 1976. The lot is shaped like a flag on a pole, it is roughly 28 feet wide along White Cloud Drive and then 122 feet along the rear property line. In 2000, Policy 9 of the Development Code, regarding Placement of Structures was modified to address side yard setbacks for lots without platted envelopes outside the Conservation District (Ord. 13, Series 2000). Essentially, those lots outside the Conservation District that do not have platted envelopes should have combined side yard setbacks that are no less than 50 feet. (Or an absolute

combined side setback of forty feet (40') (total of both sides), with no structure built within fifteen feet (15') of a side yard property line). In December of 2002 Warriors Mark West was annexed into the Town of Breckenridge. At the time of the annexation, the Town Council knew that some lots and developments within Warriors Mark would be difficult to develop within the existing Development Code. Town Council indicated at the time that variances would be considered on a case by case basis.

Per the Town's Land Use Guidelines required setbacks as outlined on the applicable Summit County approved Plat are acceptable. *When the plat does not specify a setback, they shall be per the Town Development Code.*

Staff Comments

Per the Town of Breckenridge Subdivision Standards 9-2-4-5: Lot Dimensions, Improvements and Configuration:

B. Arrangement: The lot arrangement shall be such that there will be little difficulty in securing development permit and building permits in compliance with the Breckenridge development code and building codes and in providing driveway access to buildings on such lots from an approved street at a grade in compliance with all town ordinances and standards.

3. In general, side lot lines shall be at right angles or radial to curving street lines unless a variation from this rule provides a better street plan or lot layout. Lots shall take the form of a plain geometric shapes except where topographic conditions require otherwise for environmentally sensitive development. Flag lots or other irregular shapes proposed as a means of manipulating the square footage of lots in developed areas shall not be permitted.

This is an odd shaped flag lot. However, it was platted when the property was unincorporated Summit County and the Town accepted the approved plat during the annexation. It appears that it would be very difficult to build a typical sized house for Warriors Mark West with combined 50' side setbacks. Even at 40' combined while taking six negative (-6) points it would appear difficult to build a standard Warriors Mark West sized residence.

Land Use (Policies 2/A & 2/R): As a single family home in a platted subdivision, this use abides with the suggested uses in this Land Use District. We have no concerns.

Placement of Structures (9/A & 9/R): The applicant seeks a variance from the absolute setback requirements of Policy 9 (Absolute) (Placement of Structures) of Section 9-1-19 of the Development Code with side yard setbacks of only 7.5 feet. This is the same setback that was applicable before the property was annexed and the side setback of many homes in Warriors Mark.

Staff believes that this request is valid in that there is undue hardship associated with developing the property. In addition, we ask that no negative points under the relative portion of this policy be assigned as it will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy; and there are exceptional circumstances applicable to the specific development which do not apply generally to other properties in the same district or neighborhood. Details of this are in the Conditions of Approval.

Variance Criteria: Paragraph (A) of Section 9-1-11 of the Development Code provides as follows:

1. *A. Purpose/Limitations: In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter, variances from the regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.*
2. *Paragraph D of Section 9-1-11 of the Development Code set forth the additional criteria which must be established by an applicant in order for a variance to be granted. Such paragraph provides as follows:*

- a. *D. Criteria For Approval: Before the commission can grant a variance application, the applicant must prove physical hardship and the commission must find all of the following:*
- b. *There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.*
- c. *That such special circumstances were not created by the applicant.*
- d. *That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.*
- e. *The variance applied for does not depart from the provisions of this chapter any more than is required.*

Access / Circulation (16/A & 16/R; 17/A & 17/R) and Parking (18/A & 18/R): There is adequate space in front of the two-car garage (22 feet) to park two additional vehicles on the property. Staff has no concerns.

Landscaping (22/A & 22/R): The applicant has shown a substantial landscaping plan, although specific counts and sizes have not been provided. The larger sizes are offered to help mitigate the impacts of developing on the steep slope. A detailed landscaping plan will be required during the review of the architecture for the residence.

Utilities Infrastructure (26/A & 26/R; 28/A): All utilities exist in the ROW of Gold King Way. There is a utility easement across Lots 5 and 6, Filing 4, Warriors Mark West. This will be reviewed on the construction documents.

Point Analysis (Section: 9-1-17-3): With the exception of the variance request and special Findings and Conditions, the application passes all absolute policies and has not incurred any negative points. (We have included a special Finding to explain why negative points are not applicable to the side yard setbacks.)

Staff Recommendation

Staff has worked closely with the agent to address all concerns about developing this property. We believe we have addressed all applicable code issues. We welcome any additional comments from the Commission. We encourage the Planning Commissioners to visit the site prior to the meeting if possible.

The Planning Department recommends approval of the setback variance, PC# 2009043, by supporting the attached Point analysis, showing a passing score of zero points, with the attached Findings and Conditions.

TOWN OF BRECKENRIDGE

Side Setback Variance Request
49 White Cloud Drive
Lot 4, Block 1, Warriors Mark West, Filing 3
PERMIT #2009043

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 1, 2009 and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on October 6, 2009 as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.
7. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.
8. The Applicant seeks a variance from the absolute setback requirements of Policy 9 (Absolute) (Placement of Structures) of Section 9-1-19 of the Development Code ("Policy 9 (Absolute)") in order to construct a new single family residence on Lot 4, Block 1, Warriors Mark West Subdivision, Filing 3, located at 49 White Cloud Drive in Breckenridge, Colorado, with side yard setbacks of 7.5 feet. The Applicant's property which is the subject of the Application is located outside of the Town's Conservation District.
9. The Applicant has filed the required application for a variance, and has paid the applicable fee.
10. All required notice with respect to the hearing on the Applicant's request for a variance has been given as required by the Development Code.
11. An absolute policy is defined by Section 9-1-5 of the Town's Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code) as "a policy which, unless irrelevant to the development, must be implemented for a permit to be issued. The policies are described in section 9-1-19 of this chapter."
12. Policy 9 (Absolute) establishes the setback requirements for the construction of residential improvements within the Town. As such, Policy 9 (Absolute) establishes the absolute setback requirements which are applicable to the Application.

13. The Application does not meet the absolute setback requirements of Policy 9 (Absolute). Therefore, unless a variance is granted with respect to the requirements of such policy, the Application will have to be denied pursuant to Section 9-1-18-1(E)(5) of the Development Code. (“If the proposed development does not implement all affected absolute policies (subject to variance) . . . the Planning Commission shall deny the permit.”)
14. A variance is defined in Section 9-1-5 of the Development Code as follows:
15. VARIANCE: A finding by the approving agency that, although a proposed development is not in strict compliance with an absolute policy, to deny the development permit would result in "undue hardship" as defined by law. No relief from compliance with an absolute policy shall be granted except upon findings that:
 - a) the failure to implement the absolute policy is of insignificant proportions; and
 - b) the failure to implement the absolute policy will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy; and
 - c) there are exceptional circumstances applicable to the specific development which do not apply generally to other properties in the same district or neighborhood.
16. Section 9-1-11 of the Development Code sets forth the Town’s rules for the granting of a variance from the provisions of the Development Code.
17. Paragraph 2 of Section 9-1-11 of the Development Code provides that “(a) variance may be granted with respect to any absolute policy contained in this chapter.”
18. Paragraph (A) of Section 9-1-11 of the Development Code provides as follows:
 - A. Purpose/Limitations:
 1. In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter, variances from the regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.
19. Paragraph D of Section 9-1-11 of the Development Code set forth the additional criteria which must be established by an applicant in order for a variance to be granted. Such paragraph provides as follows:
 - a. D. Criteria For Approval: Before the commission can grant a variance application, the applicant must prove physical hardship and the commission must find all of the following:
 - b. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.
 - c. That such special circumstances were not created by the applicant.
 - d. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

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

20. The Planning Commission has received and considered the evidence submitted in connection with the Applicant's request for a variance; and based upon such evidence makes the following findings as required by the definition of a "variance" in Section 9-1-5 of the Development Code:

- a. Although the development proposed by the Application is not in strict compliance with the absolute setback requirements of Policy 9 (Absolute), to deny the development permit would result in "undue hardship" as defined by law.

Reason/Factual Basis for Finding: Without the variance the widest single family residence that could be built on the Applicant's lot would only be 25 feet wide on the western portion of the lot and approximately 70' wide on the eastern portion of the lot and would force a triangle shaped residence with negative points assigned. This would severely limit the beneficial economic use of the property, and would constitute an "undue hardship" on the Applicant.

- b. The failure to implement the absolute setback requirements of Policy 9 (Absolute) is of insignificant proportions.

Reason/Factual Basis for Finding: The neighboring homes in the area surrounding the Applicant's proposed development were constructed prior to the annexation in 2002, and each has a 7.5-foot side yard setback pursuant to the previous versions of the Development Code. As such, granting the requested variance to the Applicant will result in a deviation from the Code requirements of an insignificant proportion.

- c. The failure to implement the absolute setback requirements of Policy 9 (Absolute) will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy.

Reason/Factual Basis for Finding: See the Reason/Factual Basis for Finding under Findings A and B, above.

- d. There are exceptional circumstances applicable to the Application which do not apply generally to other properties in the same district or neighborhood.

Reason/Factual Basis for Finding: The applicable conditions are site-specific to the Applicant's property which is the subject of the Application, and do not exist generally within the land use district in which the Applicant's property is located.

21. The Planning Commission makes the following additional findings as required by Section 9-1-11 of the Development Code:

- a. There are practical difficulties and unnecessary physical hardships associated with the Application. Such difficulties and hardships are inconsistent with the objectives of this chapter.

Reason/Factual Basis for Finding: Due to the flag shape of the Applicant's lot the proposed new single family residence cannot reasonably meet the absolute setback requirements of Policy 9 (Absolute).

- b. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness

of the development in question. Such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.

Reason/Factual Basis for Finding: Due to the flag shape of the Applicant's lot the proposed new single family residence cannot reasonably meet the absolute setback requirements of Policy 9 (Absolute).

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

Reason/Factual Basis for Finding: The Applicant's lot was not subdivided by the Applicant, and the Applicant is not responsible for the flag shape of the lot.

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

Reason/Factual Basis for Finding: Due to the flag shape of the Applicant's lot the proposed new single family residence cannot reasonably meet the absolute setback requirements of Policy 9 (Absolute).

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

Reason/Factual Basis for Finding: See the Reason/Factual Basis for Finding under Findings A, B, C and D, above. In addition, see Finding 13(B) regarding the side yard setbacks of the existing homes in the neighborhood.

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

Reason/Factual Basis for Finding: Reason/Factual Basis for Finding: See the Reason/Factual Basis for Finding under Findings A, B, C, D, E and F, above.

22. Accordingly, the Applicant's request for a variance from the absolute setback requirements of Policy 9 (Absolute) of Section 9-1-19 of the Development Code in order to construct a new single family residence on the property with 5 foot setbacks, all as described in the Application and supporting documentation, is GRANTED.

23. "Pursuant to Section 9-1-17-3 of the Development Code, the Application should receive a score of zero points under Police 9 (Relative)(Placement of Structures) because: (i) all negative impacts associated with this particular relative policy have been completely mitigated; and (ii) there is no public detriment from the project, or, to the extent a public detriment from the project is found to exist, it has been fully mitigated."

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.

3. This permit expires three years from date of issuance, on **October 6, 2012**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snow plow equipment from damaging the new driveway pavement.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
11. 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.
12. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
13. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
14. Applicant shall install construction fencing around existing trees, on site and off site that are shown to be preserved on the plans.

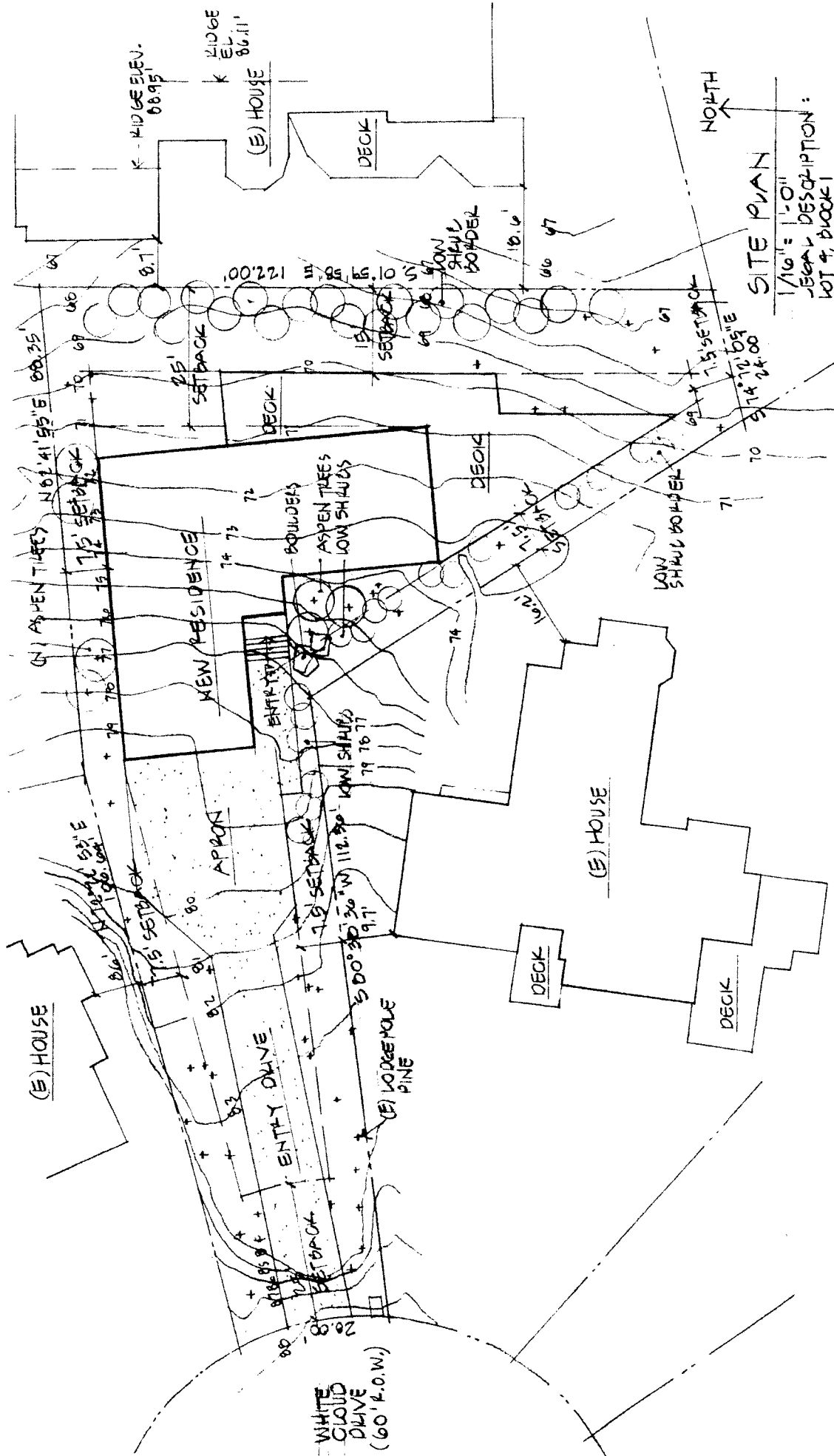
15. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
16. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

17. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
18. 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.
19. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
20. Applicant shall screen all utilities.
21. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
22. 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.
23. 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.
24. 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.

25. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
26. 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

SITE PLAN

1/16" = 1'-0"
 LEGEND DESCRIPTION:
 LOT 4, BLOCK 1
 WAHLER'S MARK WEST,
 PLING NO. 3
 ACCORDING TO THE PLAT
 RECORDED 11-23-76 AT REC.
 NO. 100791
 SUMMIT COUNTY, COLORADO

ARPEL-MEISEL RESIDENCE
 PREPARED BY: MALC ANNEBAUM - ARCHITECT
 303 333.3477 DEN. CO. 80120

Brad Appel
136 S. Poplar St.
Denver, CO 80230

Breckenridge Variance Committee
Town of Breckenridge
P.O. Box 168
Breckenridge, CO 80424
RE: 49 White Cloud Drive Variance Application
To the Variance Committee:

We are writing on behalf of the Meiser family and the Appel family in regards to Lot 4, located at 49 White Cloud Drive, and the Variance Application the Harries have submitted to have the side setbacks changed to 7.5' to accommodate an approximate 3500 SF Colorado Mountain Home. Our two families wish to purchase this lot and build a family house for year round use in the Town of Breckenridge. We live and work in Denver and are excited about the opportunity to be part of Summit County and the Town of Breckenridge and share with our children the town, the mountain and the activities this area has to offer. Both Mark and myself are builders' and we are committed to building a custom "Colorado Mountain Home" in this wonderful neighborhood. With our passion for mountain living and mountain sports (mountain biking and snowboarding are our favorites) and as design and construction professionals, we know and are determined to add value to our Warriors Mark neighbors and neighborhood.

As you are aware, Lot 4 is a challenging "flag lot" and after laying out multiple schemes with our architect we have determined the 7.5' setbacks are required to make the narrow throat portion of the lot work for our intended use. Should the 7.5' set backs be granted the set backs would be consistent to the adjacent neighbors and how the Lot was originally presented to us to purchase from the Harries based on Summit County jurisdiction. As you can see, the intent of the site plan is to show our buildable areas of the home using the 35' height easement and our sensitivity to our neighbors through good architectural design and buffering with indigenous rocks and landscaping

On behalf of our families we look forward to meeting you and presenting our application on October 6, 2009.

Thank you for your consideration,

Brad Appel

Mark Meiser

TO: Matt Thompson/Town of Breckenridge
FROM: Antoinette and Kurt Harries
DATE: 10/1/09
RE: 49 White Cloud Drive – Variance

Dear Matt:

It has come to our attention that some of the homeowners that live in close proximity of our vacant lot on White Cloud Drive have expressed disapproval of our variance request scheduled to be heard on October 6, 2009 @ 7:00 p.m.

We would like to address a few points on this issue.

We purchased this land 10 years ago and planned to build a home that fit within the already established neighborhood from a size and design standpoint. During our initial discussions with the Summit County Planning Department we were told that the setbacks were approximately 7 feet on the sides and 25 feet in the front and back. We subsequently had an architect design rough architectural plans for a house in the mid 3000 sq. ft. size. We were informed that we may have to fine tune a few points, but overall, we were on the right page to build a home of this nature. Faced with some personal life changes we ended up not building on the property. As a result, we decided in 2007 to sell the property and had based a price upon what the current market comps were showing at that time. Since the initial listing of the lot we have adjusted the price several times to match our property with the current market conditions.

As you know, we recently placed the property under contract and are requesting a variance due to the odd shape of our lot and the new Town of Breckenridge setback guidelines. If these new setback guidelines are implemented on our lot, it would make our lot in essence an unbuildable lot. It is our understanding that the current setback TOB guidelines are 25 foot front, 15 foot back and a combined factor of 50 feet on the sides. Given the unusual shape of our property, one would be left with a very small building envelope requiring a very odd shape home being built. A home of this nature certainly would not fit in with the other surrounding properties and would likely be an eye sore and devalue the surrounding properties. Rather, we are asking for the lot to be able to have a suitable building envelope to construct a home that is comparable to the homes in the neighborhood and thus help increase the value of the homes in the area. We believe that a 3500 sq. ft. home that is proposed is something that is very reasonable and fits well with the current neighborhood. Please note that in this process we, as well as the under contract Buyers, took into consideration the shape of the land and the position of existing homes to work as best as possible with everyone.

It is our understanding that several neighbors have voiced their concerns with you about this variance and about our lot. Some have gone as far as suggesting that the Town of Breckenridge purchase the property and maintain it as open space. I understand some of these same individuals even stated that they inquired into purchasing the lot but could not get enough cooperation with other surrounding homeowners to make an offer. So, I find

it ironic that some individuals are now trying to take a position with you that our property is an unbuildable lot and/or they are trying to make it unbuildable by preventing us this variance and unraveling a possible sale. These are some of the same individuals that purchased their properties (existing or already built upon) and could clearly see that our property existed as a vacant buildable lot and at some point and time would be developed. Interestingly enough, none of these neighbors ever made a purchase offer to us to effectuate their desire to keep this property as open space. We certainly would have entertained any reasonable offer presented to us at any time.

Given some of the recent actions and past actions by certain neighbors, we believe there has and is an attempt to make this lot unbuildable. For example, one neighbor had their driveway encroaching upon our property for over 2+ years by about 100 feet in length along our property line. We later found out with another current survey that their driveway encroaches upon the right-a-way of the road. We are not sure if they even applied for the proper permits to build their concrete driveway. We also believe, given some of their other actions and statements to us that they very well were trying to make our lot look even narrower than it actually is, perhaps preventing offers from being presented to us on our property. We incurred attorney's fees and surveyor costs to resolve this matter and it still appears with our most recent survey that they are in the right of way in the road and continue to make our lot look narrower than its true nature on the entrance from the street on White Cloud. Please note that their actions on this driveway could have interfered with our ability to sell the lot at a higher point of the market than the current market of today.

In regards to the value of the lot, it is incomprehensible to us that the County Assessor's Office has the property currently appraised at \$281,500.00 (and as much as \$450,000.00 before our discussions with them), if our lot is not at least a lot that allows a very suitable home (i.e. around 3500 sq. ft, as currently proposed in a site plan provided to your department). The sale of this land is incumbent upon the requested variance being approved; otherwise our lot becomes basically an unbuildable lot. We truly believe we are not asking anything other than what has already been set as precedent in the neighborhood.

We hope that you and the powers in place can see our reasoning and position and grant us the variance that would allow us to complete the sale of our property. This in turn, would allow the Buyers to build a very appealing home that would compliment the existing homes in the neighborhood.

We thank you in advance for your time and consideration in this matter.

Sincerely,

Antoinette and Kurt Harries

September 28, 2009

Town of Breckenridge Planning Committee,

Garold and Mary Nyberg bought the property Lot 6, Block 1 Filing 4 (128 Gold King Way) in Warriors Mark West, Breckenridge, Colorado in 2002. In 2008, we began a remodeling project that included an addition to each side of the existing house. Even though Warriors Mark West has been annexed into the City of Breckenridge, Summit County setbacks were required in our remodeling footprint. Even though we had our property surveyed before construction, our contractor was very careful of our Summit County setbacks and had the surveyor back to confirm the setback points before pouring the footings for the additions as per Summit County regulations. The front and back yard setbacks are 25 feet and the side yard setbacks are 7 ½ feet.

We anticipated that at some point a house would be built behind our property on the small interior Lot 4, Block 1, Filing 3 (49 White Cloud Drive) Warriors Mark West. It is not a small lot in square footage, but because of its configuration, the actual buildable footprint is significantly reduced.

We are strongly impacted by Lot 4, Block 1 as our side yard setback of 7 ½ feet under Summit County regulations abuts to the back yard of Lot 4, Block 1. We always assumed that the Lot 4 back yard setback was per the Summit County 25 feet just as our back yard setback is 25 feet. That would put 32 ½ feet between the two structures.

We are strongly against allowing the owners of Warriors Mark West Lot 4 Block 1 Filing 3 to increase their buildable footprint by the Breckenridge Planning Committee granting them Summit County 7 ½ feet side yard setbacks. We also request that the Summit County back yard setback of 25 feet be used in lieu of the City of Breckenridge back yard setback of 15 feet. This would maintain a more acceptable distance of 32 ½ feet between Lot 6 Block 1 Filing 4 property side yard setback of 7 ½ feet and Lot 4 Block 1 Filing 3 back yard of 25 feet.

The following is a list of reasons that support our position and a possible solution to the variance request:

1. The individual lots of Warriors Mark West sub-division were originally designed with setback restrictions of 25 feet front and back yards and 7 ½ feet side yards.
2. If the Lot 4 Block 1 owners are allowed to alter the back yard setback from 25 feet to 15 feet, and since our side yard setback is only 7 ½ feet, our two houses would only be 22 ½ feet apart.

3. Of all the property owners adjacent to Lot 4 Block 1, our house will be the most adversely affected by allowing the owners to build their house using the City of Breckenridge back yard building setback of only 15 feet.
4. In our opinion, a 3,500 square foot house with height restrictions of 35 feet is too big for this internal lot. A more appropriately sized house could fit within the existing building setbacks. Again I repeat that because of the configuration of Lot 4 Block 1, the usable buildable area is smaller than the lot's total square footage would indicate.
5. Does the size of the house conform to the new density regulations in Breckenridge?
6. Property setbacks should not be altered just to sell a property or to squeeze a larger house on a lot that, if left unchanged, doesn't fit.
7. **The City of Breckenridge must be mindful that, going forward, sometimes setback adjustments must be made when two governing setback entities make for reduced total setbacks that neither the city nor the county would find acceptable. Such is the case with the possible 22 ½ foot combined adjacent side/ back yard setbacks between Lots 4 and 6 Block 1.**
8. The developers of Warriors Mark West did an injustice to their development by creating this internal Lot 4 Block 1. It is an odd shaped lot with not enough square footage in the buildable area to construct a house comparable in size with the surrounding houses without negatively impacting the surrounding lots, the green space, the forested environment that so enhance Warriors Mark West and the City of Breckenridge. This land should have been divided among the adjoining lots or better yet preserved as unbuildable open space.
9. **The Lot 4 Block 1 variance proposal description states, "Due to the nature of Lot 4 being platted in a "Flag Lot" style, the setbacks created map out an unbuildable building envelope." Our question is, do the surrounding property owners need to be negatively impacted by the original developers short sightedness and the owners seemingly lack of due diligence before purchasing Lot 4 Block 1?**
10. The Lot 4 Block 1 variance is not based on a hardship case of an existing house where a variance is needed for a specific purpose. **This variance is requested by the owner/ intended buyer asking for a variance to build a larger house than the lot can comfortably support at the profound detriment of every other adjoining property owner because of the encroachment by the setback rules.** Even more troubling is that the owner wants the County's side yard setbacks of 7 ½ feet and the City's back yard setback of 15 feet. He is trying to use, for his advantage, the variance procedure to just make his building envelope larger.
11. In reading the Breckenridge Land Use Guidelines District # 30-5, several statements stand out as important in the decision whether to grant Lot 4 Block 1 their side yard variance of 7 ½ feet and also our request to maintain the 25 feet back yard setback. Please consider these guidelines in your deliberations:

- a. Desired Character and Function: **“The primary function of this District is to accommodate the existing low density residential development and to provide for the build out that is consistent with the existing development.”**
- b. Acceptable Land Uses and Intensities: “New development must be evaluated at a site specific level to determine the actual density based on the specific site conditions and environmental characteristics.”
- c. Architectural Treatment: “All new development should be compatible with the existing neighborhood, as well as sensitive and harmonious to the natural aspects of the site.”
- d. Building Setbacks: “Greater setbacks than those required are encouraged, and determination of appropriate building setbacks will be made during the development review process.””Additionally, adequate setbacks shall be provided on each lot to preserve existing vegetation that helps buffer development, maintain open space, and provide for snow stacking.”

12. The City of Breckenridge property setback regulations of 25 feet front yard, 15 feet back yard and a combined 50 feet side yard with a minimum of 15 feet on one side yard ensures that structures on every adjoining property lot are a minimum of 30 feet apart. **The variance request by the property owner of Warriors Mark West Lot 4 Block 1, along with the 15 feet back yard setback by the City of Breckenridge, would reduce every adjoining property’s combined setback to significantly less than 30 feet.** Of the properties affected, our Lot 6 Block 1 would be the most adversely impacted by the combination of City and County setbacks. Our side yard setback of 7 ½ feet and the City of Breckenridge’s back yard setback of 15 feet would separate our house by only 22 ½ feet. With a height restriction as high as 35 feet, when we look out our windows towards the west, we will potentially see only a long high wall in our face. This will not just be a house corner to house corner 22 ½ feet apart, but an entire side of each of our two adjoining houses.

In keeping with the implied intent of the City of Breckenridge property setbacks for Warriors Mark West Filing 3 where no structure shall be any closer than 30 combined setback feet to an adjoining lot’s structure (based on the City’s setback restrictions and adding together adjoining lot setbacks), the fairest way to deal with the owner/buyer of Lot 4 Block 1; the adjoining lot property owners; and the District #30-5 Breckenridge Land Use Guidelines, the following would be a sensible way to resolve the Lot 4 Block 1 setback variance request:

The setbacks/ building envelope ruling for Warriors Mark West Lot 4 Block 1 Filing 3 should be that no part of the Lot 4 Block 1 structure can be within a combined setback of 30 feet of any part of an adjoining lot’s structure. The owner/buyer must build a house suitably sized for the lot. Furthermore, the remaining 20 feet of required side yard setback should be flexibly mandated based on the relationship of the proposed Lot 4 Block 1 structure and it’s

impact on any one or more of the adjoining lot structures. One such mandate should be to add 2 1/2 feet to the backyard setback, at the very least, to bring the combined adjoining setback up to 32 1/2 feet.

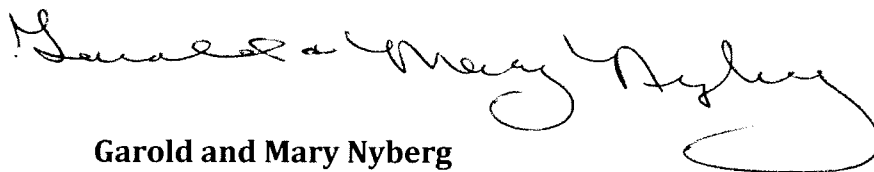
Due to it's challenging lot configuration, the most thoughtful approach for the Breckenridge Planning Committee to take up the issue of the property setbacks and building envelope for Warriors Mark West Lot 4 Block 1 Filing 3 is as follows:

- a. Do an **on site evaluation** of the configuration and size of the lot.
- b. Evaluate how the City setbacks affect adjacent property lots including how they measure up with Summit County setbacks on the surrounding lots.
- c. Be mindful of the District #30-5 Breckenridge Land Use Guidelines.
- d. Modify the setbacks as necessary to meet the implied minimum 30 feet combined adjoining lot setbacks of the City of Breckenridge.
- e. Determine appropriate height restrictions, being sensitive to existing structures.
- f. Determine the building envelope on which Warriors Mark West Lot 4 Block 1 Filing 3 may be developed.

In closing, we have just spent a lot of money to enhance our Warriors Mark West Lot 6 Block 1 Filing 4 property and hopefully it is an improvement to our neighborhood. Our remodeling was also a challenge because of the configuration of our lot and how it is positioned on Gold King Way. We worked within our property lines and the Summit County setbacks without asking for any variances. We will be very disappointed in the City of Breckenridge if it allows the owners of Lot 4 Block 1 to change the rules and build a house closer to ours than the original developers envisioned. The owners should be encouraged to build a house that is more appropriate to the lot and is sensitive to the surroundings.

We encourage the Breckenridge Planning Commission to visit the site before deciding to allow a variance in the property setbacks for Warriors Mark Lot 4 Block 1 Filing 3.

In conclusion, we are strongly opposed to the variance in question. Many of the adjacent property owners have read this letter to the Breckenridge Planning Committee and agree with our position and the possible solutions to the variance request. They also will sign this letter.



Garold and Mary Nyberg
128 Gold King Way
Warriors Mark West Lot 6 Block 1 Filing 4

We encourage the Breckenridge Planning Commission to visit the site before deciding to allow a variance in the property setbacks for Warriors Mark Lot 4 Block 1 Filing 3.

In conclusion, we are strongly opposed to the variance in question. Many of the adjacent property owners have read this letter to the Breckenridge Planning Committee and agree with our position and the possible solutions to the variance request. They also will sign this letter.

Garold and Mary Nyberg

128 Gold King Way

Warriors Mark West Lot 6 Block 1 Filing 4

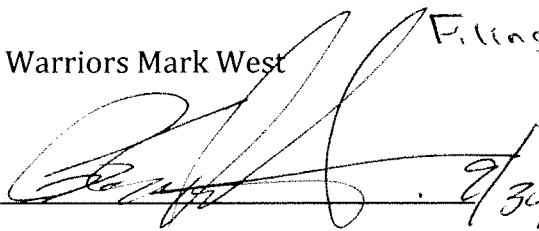
We are not in favor of the variance and agree with the above.

Dee Phelps and Bernard E. Wieland

39 White Cloud Drive Lot 5, Block 1, Warriors Mark West


_____ 9-30-09

Dee Phelps


_____ 9/30/09

Bernard E. Wieland

P.O. Box 3536
Breckenridge, CO 80424

September 29, 2009

Mr. M. Thompson
Town of Breckenridge Planning Committee
Breckenridge, CO 80424


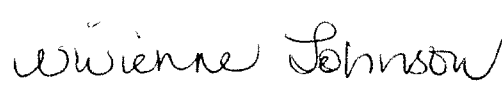
Dear Mr. Thompson,

We are writing to voice our agreement with the enclosed letter from Garold & Mary Nyberg regarding Lot 4, Block 1, Filing 3 (49 White Cloud Drive) in Warriors Mark West.

We live at 48 Gold King Way, and do not believe that a variance should be granted to the owners of this particular lot due to the significant density that the proposed buildable footprint would enable. We believe that other neighbors would be affected similarly.

We trust that you will review the proposal very carefully and take all conditions that affect this proposed plan as well as neighbors' concerns into account.

Sincerely,

Thomas & Vivienne Johnson

Encl.

September 30, 2009

Town of Breckenridge – Formal Protest

Re: 49 White Cloud Variance – Setback Variance

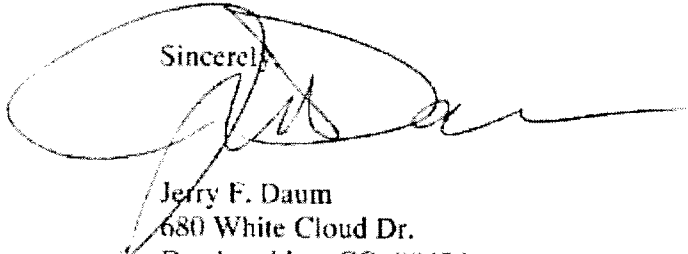
From: Jerry F. Daum
Owner: 680 Whitecloud

Comments: I would like to submit my formal Protest to a request for a Variance in setbacks at 49 Whitecloud:

1. TOB building codes, albeit strict compared to County regulations in Warriors Mark West, protects property values and is good for all homes in WMW.
2. Lot 49 is an extremely small lot .Trying to impose a residential structure on this lot will be a challenge and only diminish neighboring property values. Allowing a Variance to allow an even larger home is granting permission for such intrusion.
3. There should be consistency in the TOB code enforcement. We are completing construction at our home as referenced above. We certainly would have enjoyed relief in TOB codes, however, we made many alterations to conform. We cannot be comfortable with spot variances especially on an already difficult lot like 49 White Cloud.
4. The owner had many years while in the County to complete his structure. He should now conform to TOB building codes as we all do.

Please favor us and neighboring property owners of 49 White Cloud in denying the Variance request for 49 White Cloud.

Sincerely,



Jerry F. Daum
680 White Cloud Dr.
Breckenridge, CO. 80424
Ph: 1-866-931-25800
daum1@daumoutdoor.com

Jan and Lawrence Gordon

September 30, 2009

Town of Breckenridge
Attn: Matt Thompson
Planning Commission
David Pringle
Michael Bertaux
Rodney Allen
Dan Schroder
Leigh Girvin
Jim Lamb
JB Katz

By Fax: 970 547-3132

RECEIVED
SEP 30 2009

TOWN OF BRECKENRIDGE
PLANNING DEPT.

RE: Warriors Mark West Lot 4 Block 1 Filing 3: aka 49 White Cloud Drive.
Application for Setback Variance

Dear Planning Commission Members

We are the owners of 50 White Cloud Drive in Breckenridge. It is the house adjacent to the lot for sale known as Warriors Mark West Lot 4 Block 1 Filing 3 in its application for a setback variance.

As it often is with matters of living conditions and high emotions, there are undoubtedly two sides to the proposed variance each with its own valid strengths and weaknesses. Your Commission's evaluative process is not an easy one. Hopefully however, once you have reviewed all of the expressed concerns and physically inspected the applicant's site, you will conclude that the weight of the opposition to the proposed variance far surpasses the underlying argument that a variance is required.

The arguments in opposition to narrowing the side lot set back are legendary, creative and most likely known well by each of you on the Planning Commission. They include:

1. Size affects density regulations. Increasing the buildable footprint would deleteriously impact density regulations.
2. Size affects privacy. Narrowing set backs in this case would put the to-be-built house in direct visual proximity to its neighbor's master bathroom window.
3. Size affects the image of Breckenridge. Reduced open space – in living reality and overall visual impression, is not consistent with the 'essence of Breckenridge' as being a relaxed, quiet, family & small business community, and the jewel of the Rockies. Having lived in both Aspen and New York City, we can confirm that Breckenridge is neither of them and should not allow any steps toward moving it in that direction.
4. Open space helps buffer constrictive development.
5. Regulation of lot coverage should always be balanced against overcrowding and the risk of reducing adequate sunlight, air, sanitation and drainage to the neighbors, neighborhood and city. In this connection, it is known that a variance shall represent the least deviation from the regulations that will afford relief.

6. There can be just as beneficial use of the property without the variance.
7. The variance is not insubstantial; its impact is not insignificant.
8. The variance will have negative impact on views from and by neighbors and guests to the community. It is not harmonious with or will properly relate to the surrounding neighborhood, contiguous parcels or the site itself.
9. A variance would be inconsistent with the principles that acted as a foundation for similar applications in other areas to be denied.
 - There are no exceptional, extraordinary or unusual circumstances or conditions applying to the intended use that do not apply generally to other properties or uses in the same area.
 - The granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - Approval of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the area.

The argument for granting the variance is singular and specious. From all of the arguments in opposition to a variance, it is rare that only one argument prevails. Yet among the vast plethora of similar variance applications, one solitary argument against a variance has prevailed: The purpose should not be a desire to increase the value or income potential of the property. In the case before you, the only reason this application is made is for an increase in value or income potential to the existing owner who must obtain such a variance to accede to a buyer's demand to complete a sale.

In view of all of these reasons, kindly add our name to those vigorously opposed to the granting of the subject variance.

Very truly yours,



Lawrence R. Gordon, j..d
Individually, and as Trustee of The Gordon Family Trust.
/lrg

4800 Baseline Road, #292. Boulder, Colorado. 80303
E-mail: lgordon@LGordonAndAssociates.com
Fax: 310 861-1025. Telephone: 800 833-4773