



TOWN OF  
**BRECKENRIDGE**

**Planning Commission Meeting Agenda**

Tuesday, January 2, 2024, 5:30 PM

Council Chambers

150 Ski Hill Road

Breckenridge, Colorado

**5:30pm - Call to Order of the January 2, 2024 Planning Commission Meeting; 5:30pm Roll Call**

*Location Map*

*Approval of Minutes*

**2**

*Approval of Agenda*

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

**5:40pm - Work Sessions**

1. Window Signage

**6**

**6:15pm - Other Matters**

1. Town Council Summary

**6:30pm - Adjournment**

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

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

## PLANNING COMMISSION MEETING

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

### ROLL CALL

Mike Giller -remote	Mark Leas	Allen Frechter	Susan Propper
Ethan Guerra	Steve Gerard	Elaine Gort	

### APPROVAL OF MINUTES

With no changes, the November 21, 2023 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the December 5, 2023 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None

### CONSENT CALENDAR:

1. Nine Rounds Residence (EM), 9 Rounds Rd., PL-2023-0554

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

Mr. Gerard: The exterior lighting shown seems appropriate, is the applicant planning for additional exterior can lighting? (Applicant, Tim Gerkin, Rooted Architects: There may be additional can lights proposed on the exterior living areas above covered decks.) I would encourage that the switches be wired so that one switch doesn't illuminate many exterior lights.

### WORK SESSIONS:

1. Vestibules in Conservation District

Mr. Truckey presented examples of temporary exterior vestibules in the Conservation District. The following specific questions were asked of the Commission:

1. Does the Commission believe that the use of temporary vestibules on historic structures during the winter months is something that might be acceptable?
2. Does the Commission agree with staff's interpretation that permanently constructed exterior vestibules can be permitted on new or existing non-historic buildings, with the exception of the Core Commercial Area?
3. Does the Commission believe that temporary exterior vestibules on non-historic buildings are appropriate?
4. Does the Commission support waiving density requirements for exterior vestibules?
5. Does the Commission have other comments?

### *Commissioner Questions / Comments:*

Mr. Frechter: These temporary vestibules were put up during COVID? Were they put up because of non-enforcement or to help with preventing spread of disease? (Mr. Truckey: I think many were put up during the pandemic due to non-enforcement and the temporary Manager's order allowing temporary structures.)

Ms. Propper: What are the barriers to installing the air curtains in commercial buildings? (Mr. Truckey: I am not sure, and it may be specific to each building and ceiling allowance.)

Mr. Giller: Air curtains are very noisy.

- Mr. Leas: Most newer buildings have radiant floor heating. Older commercial buildings in this historic district may have forced air heating. You lose a lot more energy with forced air heating through the front door. Newer construction with radiant floor heating may have less of an issue with this problem of needing an airlock to keep heat from escaping.
- Ms. Propper: Can air curtains be used on historic structures? (Mr. Truckey: Yes, they are installed on the interior.) Some restaurants have heavy fabric curtains to block air. Is this something we would encourage? (Mr. Truckey: Yes, that is something that could be encouraged, as long as there is no issue with building codes.)
- Ms. Gort: Some of these materials look plastic and flammable. Is this a safety concern? (Mr. Truckey: We would only allow materials that meet building code.)
- Mr. Guerra: This is a sustainability concern. The air curtains would seem to use more energy than they save. If we were to allow temporary vestibules, we would want to limit material, size, and use. The pictures show a diversity of appearance, with some vestibules looking better than other examples.
- Mr. Truckey: We could limit the size to be small enough to limit the use to only a weather barrier and not to be for added restaurant space.
- Mr. Guerra: We would have to give deference to the differing sizes of building entries. I agree with the sustainability and functionality side of allowing these but see some rabbit holes we could fall down.
- Mr. Giller: The Tin Plate example actually shows two enclosed plastic vestibules. Can the Staff speak to that? (Mr. Kulick: There is one located on their front entry and to the north they have enclosed their side porch. Ms. Muncy: The front temporary structure is used for patrons to wait for to-go orders.) I think these solutions on historic buildings should be interior as the first choice. I worry these could be real-estate grabs to expand floor area.
- Mr. Gerard: I would not have pity for any businesses who constructed these without a permit.
- Ms. Gort: Could we consider points in the code for doing something else to allow these vestibules?
- Mr. Leas: With regard to density, I think this needs to be solved internally. These factors are known when opening a business and this is a cost of doing business. I don't agree with that argument from business owners. We need to discuss this in the same way as we consider solar panels on the front of buildings. We want to balance sustainability with the historic nature and character of Breckenridge. The historic character needs to win out in this case. They are making interior air curtains work in other places like Aspen. There are ways of installing them without building an interior vestibule. This is a business decision. This tends to be a restaurant issue. You will notice retail stores in the winter with doors even propped open.
- Mr. Truckey: Staff is not strongly advocating for this one way or another. We will bring your concerns to Town Council and they will discuss it as well.
- Ms. Propper: I would prefer an interior solution.

Question 1

- Ms. Propper: No.
- Mr. Guerra: No.
- Mr. Giller: In general, I think the interior should be first choice, in rare occasions it might be okay.
- Mr. Gerard: No.
- Ms. Gort: No generally, but maybe special circumstances they could be allowed, like on a side entrance.
- Mr. Frechter: No, except for special circumstances, perhaps there is a prioritized list like with solar panels in the Historic District, where they could be a last priority.
- Mr. Leas: No.

Question 2

- Ms. Propper: Yes.
- Mr. Guerra: Yes, if the design meets all applicable codes and design standards already in place.
- Mr. Giller: Yes, more flexibility on non-historic structures. But we should only allow them on the interior.
- Mr. Gerard: Yes, if it was contained within the design footprint of the building. It should not project from the front of the building.
- Ms. Gort: Yes, on new buildings, no on existing, maybe on a limited situation when it is not in the front.
- Mr. Frechter: It should be a permanent structure that meets existing building and design codes.
- Mr. Leas: I agree with Frechter. These should be promoted on the interior of the building. If on the exterior, it should be looked at against the design standards and determined to be appropriate for the building.

Question 3

- Ms. Propper: There should be an interior solution.
- Mr. Guerra: I am hesitant to support any temporary exterior vestibules.
- Mr. Giller: I agree with Guerra, the first solution is interior. I don't support it on the exterior of a contemporary building. To attach a temporary awning or tent detracts from the architecture of the building.
- Mr. Gerard: No.
- Ms. Gort: No.
- Mr. Frechter: No.
- Mr. Leas: No.

Question 4

- Ms. Propper: Yes, I would be open to that.
- Mr. Guerra: This is an issue for new buildings. I would consider waiving density with strong requirements to limit the size and use and it should be primarily for sustainability reasons. I would not waive density for exterior vestibules on existing buildings.
- Mr. Giller: No. We have worked to reduce bonuses in projects for mass and density. I think it would be a mistake to allow additional density now.
- Mr. Leas: Agreed, we need to be consistent on the issue of density.
- Mr. Gerard: I do not support waiving density.
- Ms. Gort: I would not support exterior density waiving. I would support waiving density for interior vestibules.
- Mr. Frechter: No.
- Mr. Leas: I am not in favor of waiving density for this issue.
- Ms. Propper: The point raised by Kulick for new construction, I would be in favor of waiving density on the interior.
- Mr. Guerra: I meant my previous comment to apply to new construction. I would be open to the conversation for allowing waiving density for interior vestibules on new construction in the name of sustainability.
- Mr. Giller: I think the appropriate way to do that is to tweak the current energy code. We should incentivize a vestibule in the energy code.
- Mr. Guerra: Where that energy code model doesn't work is for a commercial business where the door opens routinely. How does that get evaluated?
- Mr. Leas: The sustainability point does belong in the energy code rather than in the density portion of the code.

- Mr. Kulick: There is not a way to model for the scenario of a commercial business with the door open all the time. When energy use is modeled there is an assumption of a closed building envelope. This could appropriately be in Policy 33R Energy Conservation.
- Mr. Guerra: I don't see how this is a question for the energy code. The question is, "do we want to waive density for vestibules?"
- Mr. Gerard: I will begin with the assumption that an interior vestibule does save a certain amount of energy. The energy code is the place it should be addressed. We could incentivize it with a positive point for interior vestibules instead of waiving density.
- Ms. Gort: I am going to support waiving density. There are other benefits other than saving energy, such as patron comfortability. I think a limited vestibule with limited use.
- Mr. Frechter: I do not support waiving density. If we are over-ruled, I think it has to be a limited use with very defined parameters for space and use and doesn't become service space.
- Mr. Leas: I have no support for waiving density for vestibules on new construction.

**OTHER MATTERS:**

1. Town Council Summary

**ADJOURNMENT:**

The meeting was adjourned at 6:52 pm.

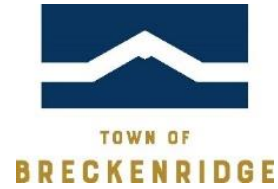
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Mark Leas, Chair

**Memo**

To: Planning Commission  
From: Clif Cross, Planner II  
Date: December 27, 2023 (for meeting of January 2, 2024)  
Subject: Worksession: Window Signage Discussion

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The purpose of this work session is to discuss the use of certain window sign formats throughout the town. Recently, staff have been fielding questions from local business owners regarding the usage of the allotment set forth by 9-15-15(D), whole window covering vinyl, and additional signage opportunities. Below staff has provided the current allotments of window signage allowed under the Sign Code as well as other examples of signage recently proposed or existing throughout the town.

**Current Regulations**

[Window Signs](#) – Per 9-15-15(D), each business may display a maximum of four (4), whether such signs are temporary or permanent. The Total area of all allowed window signs shall not exceed five (5) square feet in area.



[Window Wraps](#) – Per 9-15-15(E), each business is entitled to one window sign wrap that may extend across the width of the storefront windows. The window sign wrap may be a maximum of twelve inches (12”) in height and must be placed within six inches (6”) of either the top or bottom of the window.



**Topics for Discussion**

1. Whole Window Covering for “Back of House”

Throughout the town there are examples of whole window coverings that are used to shield unsightly parts of retail and restaurant operations from the general public. Common examples are businesses along the Riverwalk Pathway and other alleys around town to hide a stock room or ‘frost’ out the mechanical aspects of a kitchen. Although these screenings are not directly discussed within the Sign Code, certain formats would not be allowed due to excessive sign square footage area.

Generally, staff supports allowing business owners to install whole window covering for the purpose of shielding the mechanical, operational/stocking, and “back of house” areas of their retail stores and restaurants. As long as such installation does not impact the standards within the Historic District for Primary frontages and is temporary in nature, staff may be supportive. Some consideration must be given to the investment the Town is putting into sections of the Riverwalk pathway. Although this area will be a more attractive pedestrian area, certain business operations cannot restructure internal circulation and must retain a service like entrance from secondary accesses, such as alleyways.

The primary concern of staff is the content of such whole window coverings. As you can see in the examples below, there are existing examples around town that use pictorial imagery, commercial advertising, and full color/frosting to screen the area.

Example 1: The example below of whole window covering vinyl is located at the Patagonia store along the Riverwalk Pathway. This installation is used to screen the operational side of the store where shipments are received and stored. Staff believes this is a good example of screening the “back of house” areas seen through the windows of the storefronts to the left and right. Staff does have concerns about the sq. ft. area of advertising as this would not be code compliant. If this type of window treatment was allowed, staff would recommend that it not include verbiage but instead be strictly pictorial in content.



Example 2: The example provided below is a proposal that was recently submitted by Lululemon to display additional signage on primary frontage windows. The proposal was denied by staff because the square footage area of advertising is much greater than what is allowed in the Town Code. Staff believes the existing glass “frosting”, which includes no advertising, is a good example of whole window coverings used to screen the internal operational aspects of the retail operation (storage, changing rooms, etc.)



## 2. Other Notable Formats

Staff wanted to include another section in this discussion to highlight some examples from different areas of Town that may not directly be discussed in the last topic.

Example 1: The example below is a whole window covering vinyl for Breck Sports retail store at the Village at Breckenridge. This installation of window signage is primarily for space filling aesthetical purposes but may provide screening from sun exposure in the morning. Based solely on precedent, this type of installation has been allowed by staff previously because there is no advertising included. Although this precedent has been set, the aspects of Message Neutrality conflict with the past precedent determination as the sign code may only contemplate the size, height, orientation, location, setback, illumination, spacing, scale, and mass of signage. Regulation of the Sign Code shall not contemplate the topic, idea, or message expressed via the sign.

The Sign Code defines "SIGN" as, "A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform, and includes the sign structure." Additionally, the Sign Code defines "COPY (Message or Content)" as, "Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof located on a sign." Finally, the Sign Code defines "SIGN AREA" as, "the surface area of a sign, as determined by the Director, including its facing, copy, insignia, background, and borders, that is described by a combination of plane geometric figures.

To align with past precedent staff believes the definitions for "SIGN" and "COPY" should be amended and eliminate the words "pictorial" and "graphic" so that whole window coverings without any direct advertising properties does not qualify as a sign.





Example 2: The example below is the storefront of the Northern Standard dispensary on Airport Road. [Local](#) and State Regulations prohibit the display of marijuana to be visible through a window or door from outside of the licensed premises and thus, many storefronts are covered in whole window vinyl. Recently, staff has worked with dispensary owners to find a balance between signage on the primary frontage while also enticing customers to come in as discussed in the Historic District. Staff believes this installation is a great example that utilizes the allocation for window signs while establishing a relationship with the pedestrians and remaining code compliant.



Example 3: The example below is the storefront of the UPS Store near the City Market and poses a similar question about whole window covering and the pictorial images/graphics, but this example was included as the signs include both pictorial and message copy that could be interpreted as signage. This installation of window signs is in violation of the Sign Code because it has more than four (4) signs total and a cumulative sign area larger than five (5) sq. ft. Regardless of the determination on pictorial images, Staff believes that this is not a good example of window signs as it obscures the visibility of pedestrians into the commercial space and further does not provide screening of a mechanical or operational area of this business.



**Questions for Commissioners:**

1. Does the Commission support Code amendments that would allow whole window coverings in certain instances (e.g. non primary facades and to conceal back of house operations.)
2. Are there other comments or suggestions that the Commission has?

Staff will be available at the work session to answer questions.