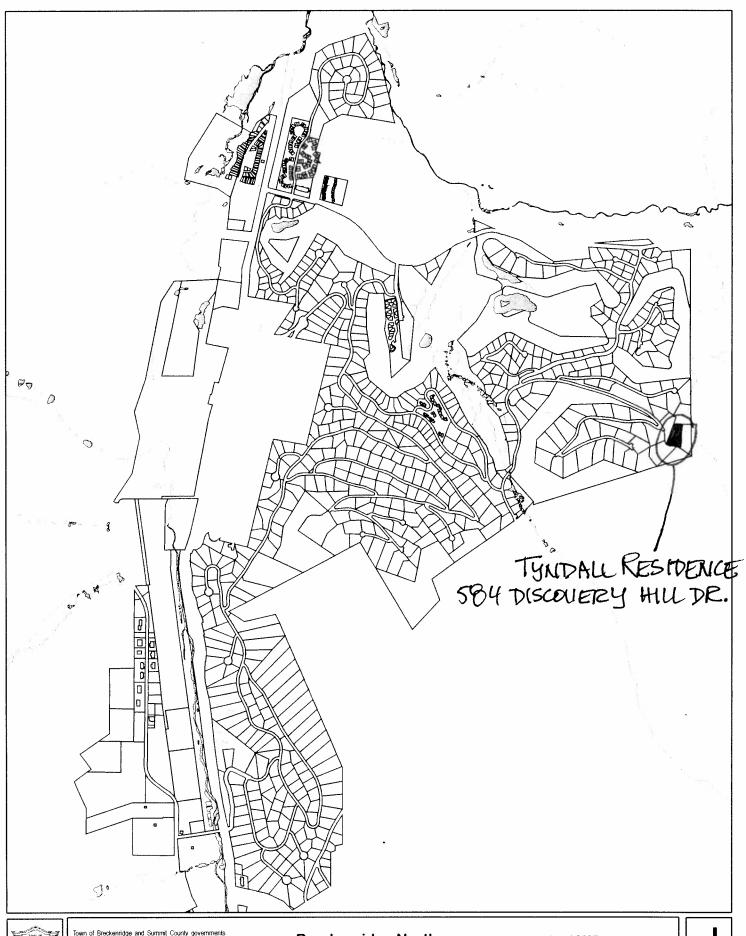
# Town of Breckenridge Planning Commission Agenda

Tuesday, January 5, 2010 Breckenridge Council Chambers 150 Ski Hill Road

7:00	Call to Order of the January 5, 2010 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes December 1, 2009 Regular Meeting Approval of Agenda	4
7:05	<ul><li>Worksessions</li><li>1. Bradley Residence Historic Renovation and Landmarking (MM)</li></ul>	11
	213 E Washington Avenue	
8:05	Town Council Report	
8:15	<ol> <li>Consent Calendar</li> <li>Tyndall Residence (MGT) PC#2009053         <ul> <li>584 Discovery Hill Drive</li> </ul> </li> <li>Breckenridge Park Meadows Exterior Remodel (CK) PC#2009054         <ul> <li>110 Sawmill Road</li> </ul> </li> <li>Klack Cabin (MM) PC#2009055</li> </ol>	22 31 37
8:20	<ul> <li>Klack Placer</li> <li>Other Matters</li> <li>Class C Subdivisions Approved 7/1/09 through 12/31/09 (CN) (Memo Only)</li> <li>Class D Development Permits 1/1/09 through 12/31/09 (CN) (Memo Only)</li> </ul>	43 45
8:30	Adjournment	

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

<sup>\*</sup>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.

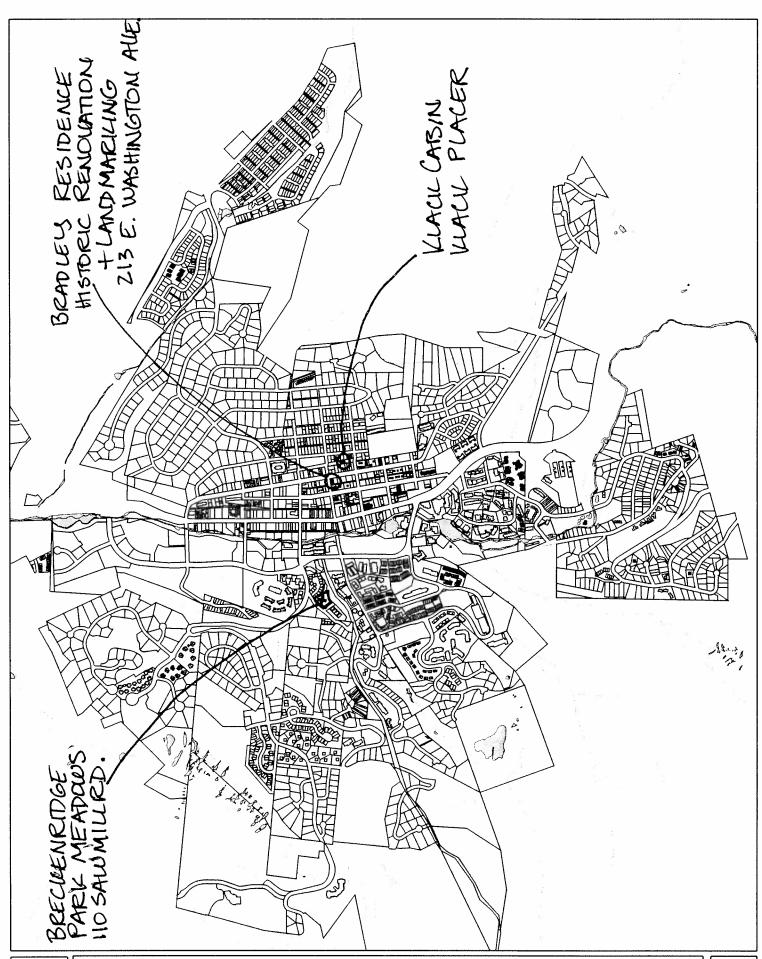


BRECKERRIDGE

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

**Breckenridge North** 

printed 2007



# PLANNING COMMISSION MEETING

#### THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Rodney Allen Leigh Girvin JB Katz

Dan Schroder Jim Lamb Michael Bertaux

Dave Pringle

#### APPROVAL OF MINUTES

Mr. Lamb noted that "deconditioned" should be "decommissioned" on page 9 of the packet.

With no other changes, the minutes of the November 17, 2009, Planning Commission meeting were approved unanimously (7-0).

#### APPROVAL OF AGENDA

The Applicants for the PDG at Revett's Drive project requested removal of their worksession item from the agenda. With no other changes, the Agenda for the December 1, 2009 Planning Commission meeting was approved unanimously (7-0).

#### **WORKSESSIONS:**

1. Upper Blue Basin Master Plan (MT)

Mr. Truckey presented. Summit County is currently undertaking an amendment to their Upper Blue Basin Master Plan (UBBMP). The UBBMP (not to be mistaken with the Joint Upper Blue Master Plan) provides land use guidance for development in all unincorporated areas of the Upper Blue Basin. The focus of the UBBMP is a set of land use maps. The amendment is primarily being undertaken because of a recent District Court ruling. Staff is bringing this to the Planning Commission as an update.

In 2010, the County and Town intend to initiate an amendment to the Joint Upper Blue Master Plan. This amendment will be focused on a couple primary topics: revisiting the density reduction target and density reduction strategies of the Plan, and adding additional wording in the Plan to address issues raised by the District Court ruling. The District Court ruling essentially invalidated the portions of the County's master plan that conflicted with the County's zoning.

Town staff intends to continue to monitor the progress on the UBBMP and to eventually bring the draft plan to Town Council for their input. We assume that our comments will support the County adopting new land use designations that are most closely aligned with the density reduction goals of the Joint Upper Blue Master Plan.

Mr. John Roberts, Summit County Planning Department, noted that all six of the County's master plans are being updated due to the District Court result. The County is using the opportunity to streamline all of the master plans. The process is moving along well.

# Commissioner Questions/Comments:

Ms. Girvin: In situations where a lot line has been un-vacated, does the property owner have to go back and pay

> into Local Improvement Districts (LIDs)? (Mr. Roberts: There are legal reasons why we can't do that.) What is the Town's review procedure for this? (Mr. Truckey: Town Council will likely hear this in late January. If you have any questions or comments please let me know.) I support the County and Town trying to find the lowest possible density in the Upper Blue Basin. I am not comfortable with the potential for subdivision of another 50-70 lots in the platted subdivisions.

Mr. Bertaux: Why didn't the County appeal the court's decision? (Mr. Roberts: Instead of going that route, we

are updating our master plans to ensure that in the future it is clear.)

Do you have a number on how many of the 10,500 units built in the basin are affordable housing? Mr. Lamb:

(Mr. Truckey: About 650 units.)

Mr. Pringle: The Court determined the master plan could not usurp the zoning. Could people that established

additional lot lines in the past come back with this same subdivision request? (Mr. Roberts: Yes. The applications would be carefully examined, and the approval is a technical legal subject now.) Is it understood that if the underlying zoning is R-2, then R-2 is absolutely what you can achieve on the

site or what you can achieve if conditions are met? (Mr. Roberts: The updates to the master plan help to address that R-2 is the "ceiling" and you should expect to move down in density from that.) What about the fact that a property has already gone through the subdivision process for the entire subdivision with the underlying density and shouldn't be allowed to resubdivide? (Mr. Allen: That was the whole idea behind the County's platted residential master plan designation, but it was not upheld by Court.) Where have densities exceeded where we thought we could hold the line and why haven't density reduction strategies worked? (Mr. Truckey: This needs more detailed discussion. One of the density reduction strategies was to purchase backcountry density, and instead of extinguishing the density we moved it from one place to another through our TDR program. Overall the density reduction strategies have not been as successful as we hoped they would.) Maybe our targets in the JUBMP were unrealistic.

Mr. Allen:

You mentioned that an additional 179 potential properties could be subdivided. Have you taken a look at the constraints for the lots and if that number is realistic? (Mr. Roberts: There are 31 platted residential subdivisions in the area, and there is subdivision potential per the zoning for 400 units. Realistically in consideration of environmental constraints, access, etc. we determined the 179 lots could potentially be subdivided. We will likely set restrictions in place through the master plan amendment so that only 50-70 of the platted lots could be further subdivided.)

2. PDG at Revett's Drive (MGT) (Removed at the request of the Applicant).

#### **TOWN COUNCIL REPORT:**

Mr. Rossi: At our last meeting the Council agreed that we wanted to direct Preservation Development Group

(PDG) to solve their issues with the HOA (Vista Point HOA) before coming back to Planning

Commission.

Ms. Girvin: I think that the PDG project at Reiling Road would make a perfect place for a round-about.

Mr. Allen: Will Council have determined the process for density for affordable housing projects before we

discuss the UBBMP again next year? (Mr. Rossi: Council has determined 2:1 SFE for units that the

Town owns.)

### **CONTINUED HEARINGS:**

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

Mr. Bertaux abstained from the discussion as an employee of Vail Resorts.

Mr. Grosshuesch presented the continued proposal to Master Plan the north and south parking lots surrounding the town gondola terminal with a condo-hotel, townhomes, commercial uses, mixed use building, new skier service facilities, new transit facilities, and two parking structures. The proposal also includes development on portions Wellington parking lot and the East Sawmill parking lot, plus modifications to the Blue River, all of which are owned by the Town of Breckenridge. This proposal includes the transfer of 93 SFEs of density from the Gold Rush parking lot to the north and south gondola parking lots. A reduced parking requirement of 1 space per 1 condo-hotel unit is proposed, per a preliminary approval from Town Council. The final development agreement for this reduced parking ratio will be reviewed by the Town Council, and has been made a condition of approval.

#### Item History:

May 19, 2009: Introduction to Planning Commission

June 16, 2009: Site Plan, Architecture, Height, Density, Mass

July 7, 2009: Blue River Corridor, Landscaping, Gondola Plaza, Infrastructure, Sustainability

August 18, 2009: Transportation, Traffic, Transit, Parking, and Circulation

November 3, 2009: Final Hearing, continued until December 1, 2009 to allow for minor revisions

At the last meeting, the Planning Commission expressed concern that the application was not ready to be approved. There were concerns raised about the number of conditions placed on the approval and the Commission suggested that some of these conditions be addressed before proceeding to a final hearing. The Commission also suggested that the Applicant and staff continue to work with 1<sup>st</sup> Bank concerning the access into the south parking structure.

Since the last Planning Commission meeting on this application, staff and the applicants have had a few meetings to discuss transportation and circulation issues, including a meeting with Jeff Campeau from 1<sup>st</sup> Bank.

Summary of changes:

Density Source: No changes.

Site Plan and Land Use: No changes.

Building Heights: One minor change to indicate that 3 story townhomes would be allowed along North Depot Road, with 2 story elements facing the Blue River.

Architectural Character: Some minor changes are proposed to the language on architecture, to allow the use of false front buildings, prohibit "hipped" roofs on the mixed use building, and clarify some of the design treatments on these buildings. Staff also revised the discussion on the use of brick based on Commissioner comments from the last meeting.

Gondola Roof Structure: No changes.

Amenities: No changes.

Private Vehicle Access and Circulation: The most significant change to the access and circulation plan from the version shown to the Commission at the last hearing includes a few new turn lanes, curbs and an access plan through 1<sup>st</sup> Bank and Town Hall.

Transit Access: No changes.

Parking: No changes.

Blue River Corridor: No changes. Infrastructure: No changes. Sustainability: No changes.

Employee Housing: The Commission supported the provision of employee housing in an amount sufficient to earn positive eight (+8) points for the development. This results in 22,073 square feet of deed-restricted employee housing. Staff has added a condition of approval to this effect.

Phasing: Staff recommends the following items be added to the phasing plan:

Phase 1: Construct round-about at intersection of North French Street and North Park Avenue; Install and stripe turn lanes on North Park Avenue.

Phase 2: Install and stripe turn lanes on French Street; Install pedestrian bridge across Blue River.

Phase 3: Construct expansion of Wellington Road through locomotive train park.

Recommended Point Analysis:

Policy 6 (Building Height) -20 points for buildings up to 5 stories

Policy 16 (Internal Circulation) +3 points for good vehicle and pedestrian circulation

Policy 18 (Parking-View) +4 points for providing parking underground or in a structure

Policy 18 (Parking-Joint Facilities) +1 point for making parking available to the public

Policy 18 (Parking-Shared Access) +1 point for shared driveway access

Policy 24 (Social Community) +8 points for providing 8.51% of density as employee housing

Policy 24 (Social Community) +3 points for Council Goals, including transportation enhancements,

economic sustainability and environmental sustainability

This would result is a passing score of zero (0) points.

This is a final hearing continued from the November 3, 2009 meeting. Both that meeting and tonight's meeting were advertised to property owners within 300', with public notice on the property (3) and advertised in the newspaper as required by the Development Code. If the Planning Commission is comfortable that all necessary issues have been addressed, and if Planning Commission supports a passing point analysis, then this application can be approved.

There are still several issues that have not been finalized in this application, which have been included as Conditions of Approval. Also, some of the Conditions of Approval that were discussed at the meeting on November 3<sup>rd</sup>, which could be incorporated into the master plan document, have been completed. These include the phasing plan, notes on the Blue River restoration, and approval of a development agreement with the Town Council for the reduced parking for the condo-hotel.

The meeting to discuss business issues with the Town Council (i.e. property lines, ownership and construction of public amenities, loss of parking, and construction of the river improvements, etc.) has not yet taken place. The Town Council requested that this happen after approval of the master plan.

Mr. Bill Campie, DTJ Design, presented and asked the Commission if they would like the full PowerPoint presentation. The Commission declined and Mr. Allen asked the public, who also declined. We are in agreement with

a majority of the points that Mr. Grosshuesch made. We have worked hard on the traffic circulation and were able to increase parking at 1st Bank and come to some agreements. I still believe that we are improving the transit and should be awarded the positive four (+4) points. The reasons that the transit points should be awarded are:

- 11 buses cannot be accommodated in the current configuration and be visible from the transit center, and the new plan provides this and accommodates a 12<sup>th</sup> bus
- Accommodate their large buses
- Improve pedestrian circulation
- Improve circulation with a bus-only exit
- Watson ingress and egress improved

We feel that we should be awarded these points now at the master plan level.

Mr. Allen opened the hearing to public comment.

Mr. Blake Davis, Executive VP of 1st Bank: We are in favor of the project. We are still concerned about 500 cars coming into/out of this access, but have been meeting with Vail Resorts the past few weeks and have worked out some agreements. Based on verbal agreements there is conditional approval for this access.

Mr. Dave Garrett, property and business owner 213 North Main Street (Ski Country Resorts): Most of my concern was the use of the East Sawmill parking lot. I spoke with many of our neighbors on North Main Street and gathered about 20 signatures from business owners regarding this parking lot's future use. The difference between South and North Main is that South Main has six parking lots for their employees and visitors to park in and on the north we have three lots, granted the applicant is proposing to build 1,200 spaces in the structures. Six of the businesses in North Main area are property management and we need delivery trucks, housekeepers and CME going in and out of our businesses. I could have as many as 35 employees at the height of the season and need to find parking for them. Benefits of the East Sawmill lot: provides money to the town, great venue for special events. Mr. Garret made several suggestions to the plan regarding reuse of pedestrian bridges and the location of the bike path (west side to east side.) We are losing 21 spaces in the Wellington lot as well as the 28 spaces in the Sawmill lot. When I count the spaces lost I come up with about 34 spaces being lost in Sawmill. There is hope that the train park will help to increase traffic in the North Main area. Also people are parking on Main Street that are skiing for three hours and we are trying to get the town to lower the parking to two hour duration. I don't have any other issues; I would just like this to be considered and the importance of this for the health of our businesses. I am asking Town Council and Planning Commission to reconsider the proposal to remove spaces at the Sawmill lot.

### Commissioner Questions/Comments:

Ms. Girvin:

One of the potential uses of the old CMC building is to move Town Hall to that location. The Town needs to be protected for the future sale of the existing Town Hall property and its access. How will it be maintained? (Mr. Grosshuesch: We would set up an easement with 1st Bank for this access.) (Mr. Steve West, Attorney for the Applicant: There is a condition about 1st Bank's consent being required.) Should the town also require consent? On the phasing the staff report recommends adding items to each of the 3 phases. Are you okay with adding these things to the phasing? (Mr. Campie: The condition says that we cannot move forward with the development permit unless we have the phasing agreed upon.) (Mr. West: We don't want to lock these in, and phasing isn't really a master plan issue. We could include those items on the list of things that will be addressed, just not in a particular phase at this time.) It does refer to sheet 10, phasing plan, which is part of the master plan. (Mr. Grosshuesch: It is noted as an illustrative and is non-binding.)

Final Comments: I realize that master plans are intended to paint a broader brush and I think the challenges with this project will be in the future with site plans and try to apply these policies. I think we have done a good job so far. Most of my comments are more related to the Council and the business plan. The timing of the Blue River restoration and the cost issues are a concern, but I have faith that the council and developer will come up with some mutually agreeable business decisions. I agree with Mr. Pringle regarding bringing animation to the north half of the project. South parking structure, I am still concerned but know we will work it out in the future. I am still concerned with the loss of employee parking at East Sawmill. Not sure that I want to commit to positive points for transit at this time. Sustainability language agreement to meet the then-current Town sustainability

code is okay, but not okay with vagueness of "exploring" other options. Where are we going to have our fireworks and our parade?

Ms. Katz: How far is the transit building moving? (Mr. Campie: It is moving 50-100' west.)

> Final Comments: I prefer not to make the north parking garage taller and I think we should avoid free density. I understand Mr. Pringle's point about more activity in this area, but don't want to lose any more parking; but agree we don't want the north area to become a ghost town. I appreciate that the employee spaces from East Sawmill will be moved to the parking structure. I agree with Mr. Campie that points should be awarded for transit and I do think it is a significant improvement with the removal of conflict on Watson. I agree with the roundabout and turning lanes on westbound French Street. I would encourage a better functioning ski back. Something along the lines of a magic carpet would be better than stairs, but there could be some better technology in the future. I agree with points on building heights. I agree with Mr. Pringle's comments regarding "timeless architecture". I want the town to be proud of the project.

Mr. Lamb:

How would circulation work at 1st Bank with the removed planters? (Mr. Grosshuesch: Parking would be relocated about 150' north and we would remove the planters to allow more ingress and egress options to bank customers. This is how we operate in the winter currently.) Transit points are not being awarded because it is not being improved with this application. (Mr. Grosshuesch: Yes.)

Final Comments: I think that so few public comments shows how far this project has come. I like the access to the south parking structure now that 1st Bank is happy. I like the roundabout. I think we have enough density and I am not comfortable adding density to the north structure. I agree with staff's comments on the use of brick at the site level review. I am still disappointed that there isn't more of a commitment to the Blue River restoration, and I trust that staff and council will get this worked out. Loss of parking at East Sawmill sounds like it is in staff and Council's hands, but we would like this to be addressed. Mr. Campie made some great points about the transit, but I am not sure about awarding the positive points. I think you have something now that will work.

Mr. Schroder: Is there anything more than the curb cut in the Highway 9 application? (Mr. Grosshuesch: Not at the south parking garage location. There will be additional curb cut requests for the property and the roundabout.)

> Final Comments: I appreciate giving us the time to review the project. I appreciate the staff report clarity and I am feeling much more comfortable with this project now. I am okay with the north structure. I am in support of awarding positive four (+4) points for transit for the bus complex improvements. My recommendation will be to pass this master plan. I know that in the next stage of the process the details will be worked out.

Mr. Pringle:

Is the access arrangement at the bank going to incur a loss of parking in that area? (Mr. Grosshuesch: We open up that access in the winter and we don't lose parking.) Is the access into the parking structure 4-way? (Mr. Grosshuesch: That is going to be negotiated with CDOT, and we do not know if they will allow this full turning movement.) (Mr. Ream, FHU Traffic: We will apply for a full turning movement and negotiate.) They can apply for brick but would get negative points at time of site plan? (Mr. Grosshuesch: Yes.) (Mr. Alex Iskenderian, Vail Resorts Development Company: We are fine with this approach.)

Final Comments: Thank you to Vail Resorts for working to address our comments. South parking lot access/egress will be a continuing discussion and will be worked out over time. I don't think we have the final solution now. North parking lot wrap, I still firmly believe that the best way to invigorate that area is to have destination commercial uses, a real reason for people to be there. I understand the concerns about height of the parking structure, cost of putting additional square footage in, but I would like to firmly suggest to the Town Council that they consider the long term ramifications of building only parking and seasonal use townhomes on the north end of the project. Council could potentially find some way to provide density to this structure for this wrapping commercial uses at this location. Make it easier for people to get to the Gold Rush lot from the ski back. I do not understand why a sidewalk could not be provided on Park Ave. Questioning why there are no points for transit, but positive points three (+3) for 24R? I am questioning why on-street parking counts towards parking requirements for the project. On architecture, we are conceding a number of things with this application in terms of height and materials. I want to instill that we get "timeless elegance" with these buildings that will stand the test of time. What has happened at Peak 7 and Peak 8 and this project will continue to bring together the town and the ski resort.

Mr. Allen:

It was explained to me that if commercial was added to the north parking garage then that commercial needs its own parking, takes away parking space from the garage, etc. (Mr. Grosshuesch: Yes that is correct, and the program here is already very extensive.) Could you please elaborate on the replacement of the 28 spaces in the Sawmill parking area for employees? (Mr. Grosshuesch: Currently employees pay the Town \$25 for an annual permit to park in that lot. Relocation will be into the parking structure. Parking plan for the Town gets reviewed annually and we cannot lock this in until we know the business plan for the parking structure.) The spaces will be made available to the Town? (Mr. Iskenderian: Yes the 28 spaces will be replaced in the structure. The Town will determine the price.) On the intersection of French and North Park Ave, how does pedestrian crossing work? Is the master plan the time to decide exactly where these pedestrian crossing locations are? (Mr. Grosshuesch: Pedestrian safety at this location is a priority to the ski resort, and there are pros and cons to roundabouts and pedestrian safety. There are fewer conflict points for roundabouts, and traffic is running slower.) (Mr. Jeff Ream, Traffic Engineer from Felsberg, Holt and Ullevig: The pedestrian crossings are a CDOT issue that will be determined in the future, not at the master plan level.) Can you please explain what happens if we pass with positive four (+4) points now, how it will affect the future? (Mr. Grosshuesch: You can't pass forward points from the master plan to the site plan. The only way it will affect them they would have to do something now.) (Mr. West: We would reduce the square footage of employee housing to get those four points back. We can't get the transit points back, but we can get the housing back to make up points in future site plans. If you approve the additional four points we would like to reduce the points for housing now.) (Mr. Pringle: What if we take away the three points for 24R, Council Goals?) (Mr. Campie: We are meeting the town goals, which gets positive three (+3) points.) If a motion passes to grant them positive four (+4) points under 25R-Transit, do we need to get that adjusted employee housing formula into the motion? (Mr. West: Yes, we can provide the formula and how much employee housing would be needed.) (Mr. Grosshuesch: There is a transit building that is getting torn down, that does have quite a few more useful years in it.) (Ms. Katz: We have to make room to make the transit improvements.) (Mr. Pringle: Is there a way to relocate the building and locate it on Airport Road?)

Final Comments: I want to ensure that every parking spot that is taken away gets replaced. I want to thank Vail Resorts for working with us. For 25R-Transit I think that positive four (+4) points should be awarded since the public benefit improvements are tremendous. Please consider some type of sidewalk or ski back to the Gold Rush lot. I'd love to see the ski back tunnel a lot more user friendly. On brick, I think it is appropriate what staff suggests regarding points, and I think brick is an appropriate material. Please work with CDOT on the pedestrian conflicts. I agree that the idea of activity on the north side is great, but I am not convinced that the structure should be taller. If you consider this in the future I will be open to it. In my mind this is ready for approval.

Mr. Pringle made a motion to change the final hearing point analysis for the Gondola Lots Master Plan, PC#2009010, 320 North Park Avenue, for 25R-Transit from zero (0) points to positive four (+4) points. Ms. Katz seconded, and the motion was carried (5-1).

Mr. Pringle made a motion to change the final hearing point analysis for the Gondola Lots Master Plan, PC#2009010, 320 North Park Avenue, for 24R-Employee Housing from positive eight (+8) points to positive four (+4) points and reduce the amount of employee housing from 8.51% to 6.51% of the density of the project. Ms. Katz seconded, and the motion was carried (5-1).

Town of Breckenridge Planning Commission – Regular Meeting Date 12/01/2009 Page 7

Mr. Pringle made a motion to approve the Gondola Lots Master Plan, PC#2009010, 320 North Park Avenue, together with the revised final hearing point analysis and a change in Condition #15: "Prior to recordation of the master plan, Applicant shall apply for approval from the Colorado Department of Transportation (CDOT) for such site access permit(s) to and from State Highway 9 (North Park Avenue) as may be required. After such application to CDOT has been submitted, Applicant will diligently pursue approval, and such approval must be obtained from CDOT prior to issuance of any Class A, B or C development permit by the Town for development within the master planning area. If the access plan is not approved by CDOT, revisions to the master plan may be required, which may require re-review of the master plan by the Town of Breckenridge Planning Commission and/or Town Council." Mr. Schroder seconded, and the motion was carried unanimously (6-0).

Councii.	Mr. Schroder seconded, and the motion was carried unar	nimously (6-0).
OTHER I	TEMS:	
ADJOUR The meeti	INMENT ing was adjourned at 9:15 p.m.	
		Rodney Allen, Chair

# **Planning Commission Staff Report**

Project Manager: Michael Mosher, Planner III

**Date:** December 8, 2009 (For meeting of January 5, 2010)

**Subject:** Bradley Residence Historic Renovation and Landmarking (Worksession)

**Applicant/Owner:** Rob and Marilyn Bradley

**Agent:** Janet Sutterley, Architect

**Proposal:** To perform an extensive exterior and interior remodel that will include a full

basement beneath the historic footprint. A small shed is also proposed at the southwest corner of the property. The existing deck that crosses the west property line

is to be removed. Locally landmarking the property is also requested.

**Address:** 213 East Washington

**Legal Description:** Lot 1A, Rittenger Subdivision, a lot line adjustment of Lots 1 and 2, Block 10 Abbetts

Addition.

**Site Area:** 0.056 acres (2428 sq. ft.)

Land Use District: 18-2, Residential, 20 UPA, Single Family, Duplex, Townhome, Multi-Family and

Commercial, 1:1 FAR, Special Review

**Historic District:** #3. South End Residential Character Area

**Site Conditions:** The property now contains a small residence. The remaining property is unimproved

and heavily weeded. Parking occurs on the Town Right of Way (ROW). There are

platted easements.

**Adjacent Uses:** Single family residential properties.

**Density:** Per the recorded plat, the existing

density is the allowed maximum: 672 sq. ft. Proposed density: 672 sq. ft.

(Additional landmarked density is proposed in a full basement 634.5 sq. ft.)

**Mass:** Per the recorded plat, the existing density is the allowed maximum. 672 sq. ft. There

is 154 remaining square feet of mass for Lot 1A only.

Proposed mass: 672 + 154 = 826 sq. ft.

**Total:** Lower Level (Landmarked "free"): 634.5 sq. ft.

 Main Level:
 672.0 sq. ft.

 Total
 1,306.5 sq. ft.

**Height:** Existing: 11'-3" (mean); 14'-3" (overall)

Recommended: 23'-0" (mean)

Proposed: 12'-3" (mean); 15'-3" (overall)

**Parking:** Required: 2 spaces

Proposed: 2 spaces (one partially off-site with

licence agreement)

Snowstack: Required: 61 sq. ft. (25%)

Proposed: Heated with covenant

Setbacks: Front: 18'-6" ft.

Sides: 3 ft. - 5 ft.

Rear: 5 ft.

# **Item History**

This house (Lot 1) and the house to the west (Lot 2) had been owned by Bette Rittenger for many years. Both properties have had few improvements to the houses or the yards. The two houses sat on Lots 1 and 2, Block 10 Abbetts Addition over the original property lines running east to west. The original property lines bisected the two houses. In order to separately sell the houses, a Class C Subdivision was approved (rec#903983) adjusting the property line by turning it 90 degrees and locating it between the existing houses. The location of both the houses is "grandfathered" with the recordation of the plat.

Both of the houses are over density in relation to the new lot sizes. The plat note states:

"As of the date of this plat, there is no remaining available density for either Lot 1 or Lot 2. However, Lot 2 has 154 square feet of remaining mass available that may be added through a Development Permit issued by the Town of Breckenridge."

The Cultural Survey for the subject property has designated the house as non-contributing:

Built in 1928, this house was moved from Old Dillon in 1961, and placed on this site. According to Summit County Clerk and Recorder Records it was modified in 1942 and 1984.

# *42. Statement of significance:*

At this location since 1961, this small house has not existed here long enough to have developed any historical significance as it relates to the Town of Breckenridge. It should be considered ineligible for individual listing in the National Register of Historic Places, and in the State Register of Historic Properties. It also does not qualify for individual local landmark designation by the Town of Breckenridge, and it is a non-contributing resource located within the boundaries of the Breckenridge Historic District. It does not meet the requirements for Criteria Consideration B, for moved properties.

# 43. Assessment of historic physical integrity related to significance:

This building probably exhibits a below-average level of integrity, relative to the seven aspects of integrity as defined by the National Park Service and the Colorado Historical Society - setting, location, design, materials, workmanship, feeling and association.

At the agent's request, Staff visited the site and observed the framing in the attic space and within a portion of the south wall of the addition. A variety of wood profiles, both weathered and new were observed. We did not inspect the walls of the original house.

In the roof -

- The shed addition appears to have used weathered 2X4 and newer 2X4 nominal framing. This shed over-frames the gable roof of the original house.
- The framing members of the original house appeared as rough-sawn historic with patches of nominal sizes intermixed.
- In the wall of the shed addition The wall framing consisted of nominal 2X4 framing with some not exposed to the elements and some weathered from exposure.

Staff's conclusion is that the addition may have been constructed at a later date and utilized any available nominal 2X4 wood at the time. Some wood was likely taken from other sources and some may have been purchased at the time.

Staff also researched the Town's property file:

- Staff has confirmed that the original house was constructed in 1928 in Old Dillon based on the assessment created by Carl Mc Williams and Rebecca Waugh. (The previous report estimated this date, the recent assessment states "actual" for the date.)
- The updated assessment and County Records indicate that an addition was added in 1942 (Staff believes that in that time, using any available lumber would be likely because of the economy.) Staff believes that the addition in 1942 was the shed portion of the house.
- The house was moved to Breckenridge in 1961 due to the creation of Dillon Dam.
- The house was placed on Main Street Breckenridge in 1961.
- Sometime in the early 60's (July 6th no year on application) Town records show that the house was moved to its current location. The application for this move defines the footprint of the house as 24'X28' meaning the shed addition was already in place at the time of that move. From the application: "Moved from Main St. to Washington St. & French St." (The Town has paperwork)
- The 1984 modification was adding "new" windows and interior work. (The Town has paperwork)

Summarizing: The current Cultural Survey does not support locally landmarking the structure. It only confirms that it is over 50-years old. The decision to allow landmarking with this proposed renovation and remodel will come from the Planning Commission and Town Council.

# **Staff Comments**

Per ORDINANCE NO. 24, Series 2001, An Ordinance Adopting Chapter 11 Of Title 9 Of The Breckenridge Town Code Concerning Historic Preservation; And Making Conforming Amendments To The Breckenridge Town Code.

# 9-11-1: Purpose and Intent:

- A. The purpose of this Chapter is to promote the public health, safety, and welfare through:
- 1. The protection and preservation, by appropriate regulations, of the Town's historic and cultural heritage;

- 2. The enhancement of property values, and the stabilization of historic neighborhoods;
- 3. The increase of economic and financial benefits to the citizens of the Town by making the Town more attractive, inviting and interesting to the Town's many tourists and visitors; and
- 4. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.
- B. The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character by authorizing the Town to designate landmarks, landmark sites, historic districts and cultural landscape districts; to require stabilization of properties which are of historic value in order to assure that such properties will not be lost as a result of inadvertence, indifference or neglect; and to ensure that the maintenance, alteration or demolition of properties of historic value shall be carefully considered for impact to the property's contribution to the Town's heritage.
- 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.

Under this section of acceptable criteria, staff offers the following for discussion:

- a. Architectural
- 8. *Is a significant historic remodel.*
- c. Geographic/Environmental
- 1. Enhances sense of identity of the community.

Staff believes that the proposed improvements will greatly improve the "livability" of the residence. The house currently has a clear head-height of 6'-8". 7'-0" is the current building code minimum. The crawlspace and joists have mold. Staff believes that this remodel would change the non-compliant detailing and roof forms of the house to those more compatible with the character of Breckenridge and contribute to the historic character of the neighborhood and community.

# The proposal:

The attached plans indicate a proposed remodel that would bring the architecture of the house into compliance with the Town's Historic Guidelines and in this Character Area. The changes would include:

- 1. The footprint/perimeter walls will remain the same; no additional density is to be added above ground.
- 2. Maintaining the historic exterior walls and remaining historic openings.
- 3. Raise the plate height of the walls 6 to 12 inches to allow for window and door headers and to meet building code.

- 4. Replace the low sloping roof(s) and create a new roof with a steeper 10:12 pitch with one added dormer. (Priority Policy 161).
- 5. Create a front porch (Design Standard 162 and 169)
- 6. Remove the non-compliant, non-historic windows and replace with vertically orientated double hung compliant wood windows. (historic openings will be verified prior to final approval.)
- 7. Repair the historic windows as needed.
- 8. Create a full basement (along with the landmarking) for additional living space.
- 9. Build a new detached shed (outbuilding) for storage. (Design Standard 159 and 167)
- 10. Reside the structure with historic compliant horizontal lap siding 4-4 1/2 exposure. (Priority Policy 165).
- 11. The roof would be re-sheathed with historic compliant cut wood shingles.
- 12. The house would be shifted slightly on the lot squaring it up to allow for parking on-site. As a result, negative three (-3) points would be incurred for not meeting the relative side yard setback along the south property line.
- 13. The house would have substantial permanent electrical, plumbing, and/or mechanical system upgrades.

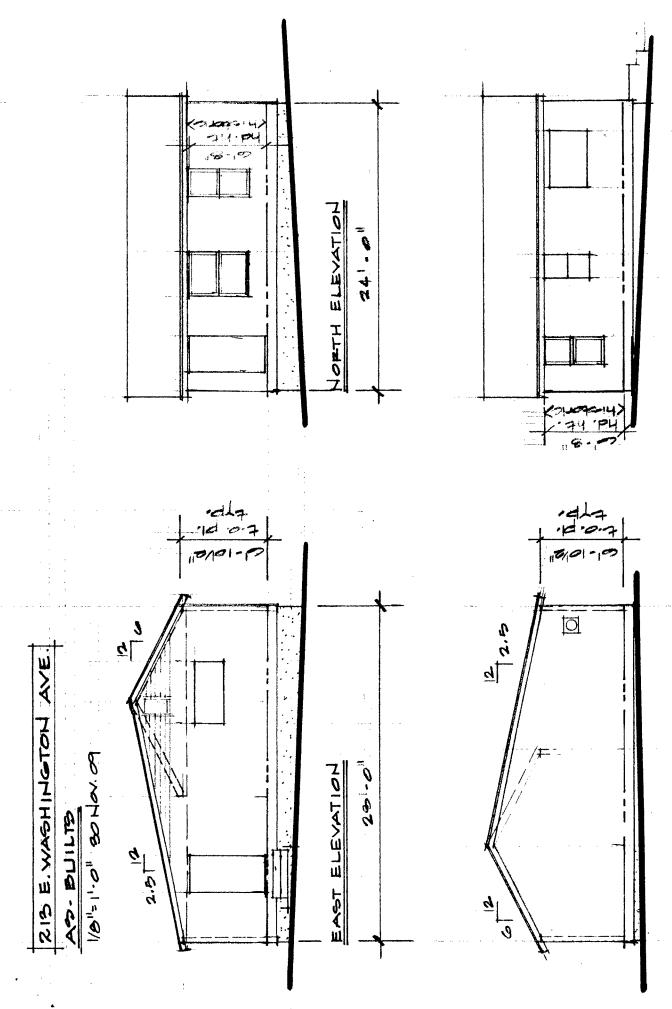
Staff has reviewed the landmarking proposal with the Town Historian and the Town Attorney. The Town Historian would support locally landmarking the building after the remodel and adjusting the Cultural Survey to reflect the change. However, it would still not be eligible for the national registry. The Town Attorney would support the required criteria under the Landmarking Ordinance as a "significant remodel".

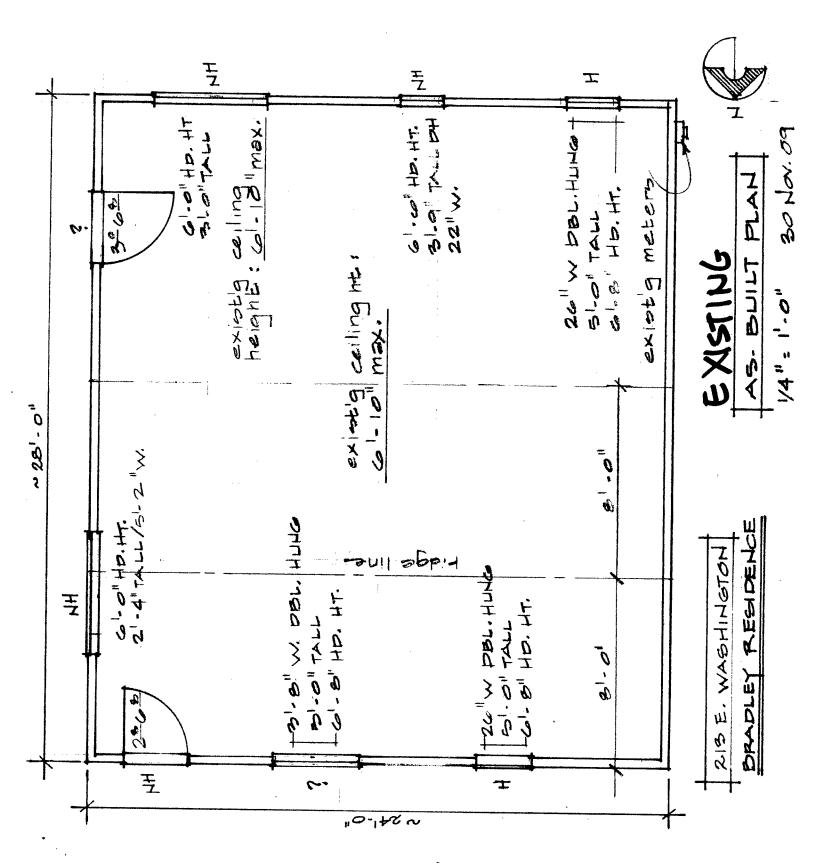
Staff is also suggesting that this remodel will also significantly "Enhances sense of identity of the community" as identified under section c.,1. to allow it to be locally landmarked.

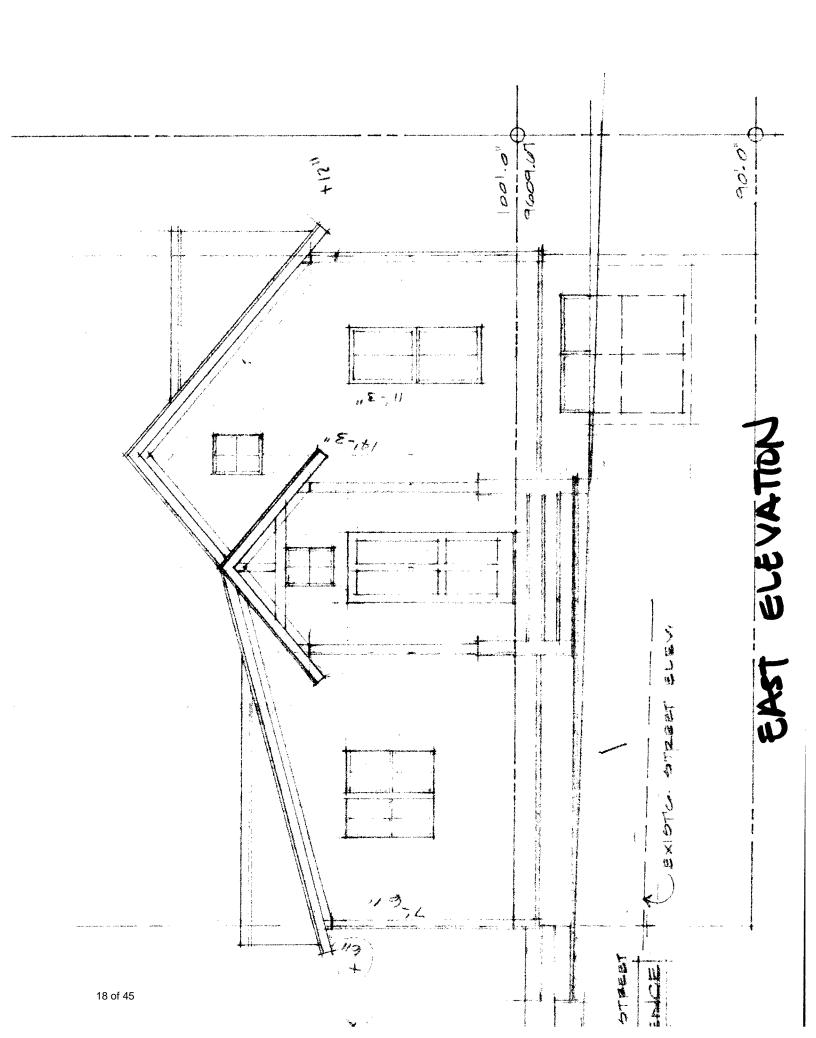
The applicants are seeking to locally landmark the house with the planned remodel and renovation. This sequence of this will be explained with the pending application (depending on the outcome of this worksession). We welcome any Commissioner comments.

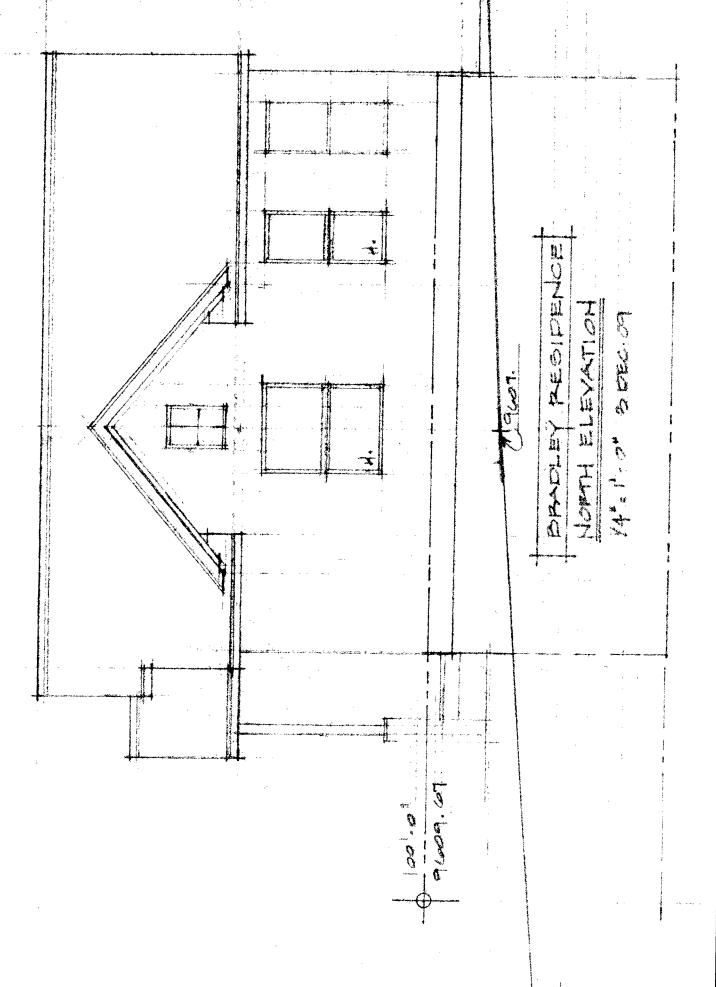
WEST ELEVATION

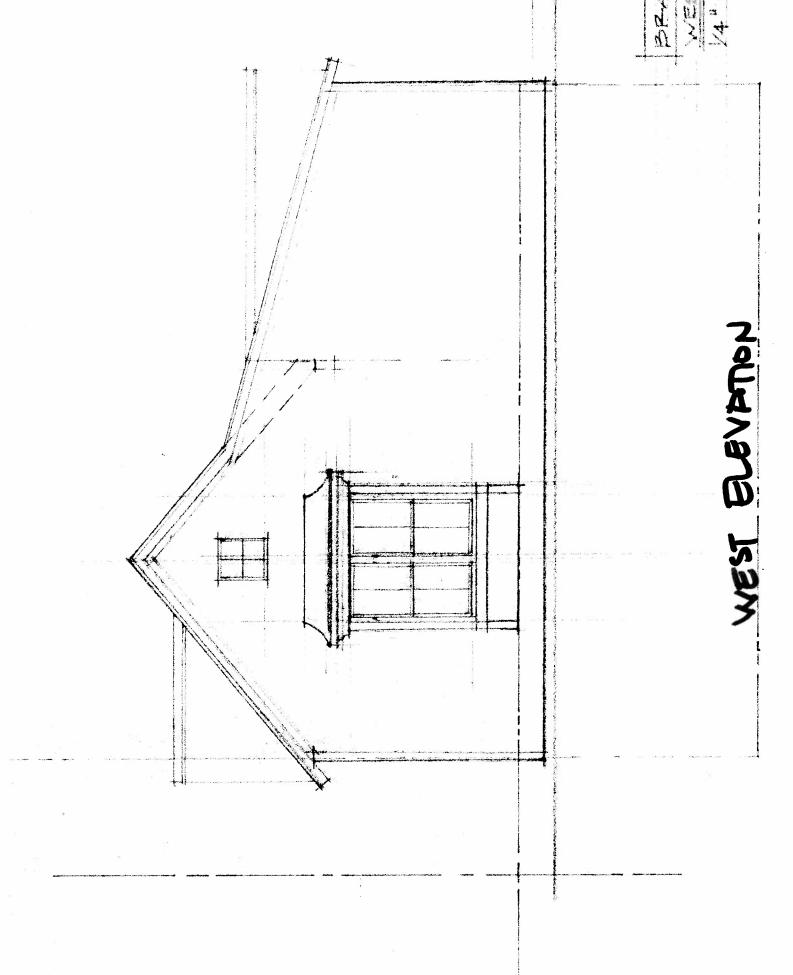
SOUTH ELEVATION

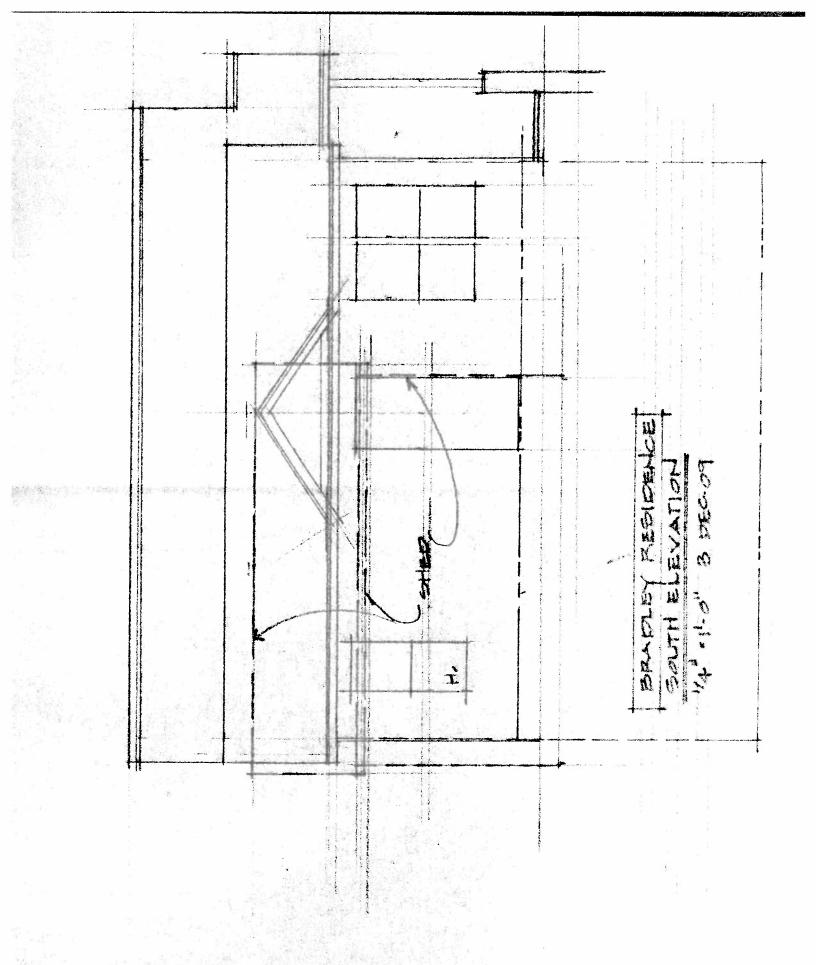


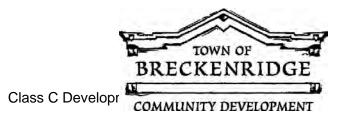












Project Name/PC#: Tyndall Residence PC#2009053

Project Manager: Matt Thompson, AICP

Date of Report: December 22, 2009 For the 01/05/2010 Planning Commission Meeting

Applicant/Owner:Kristi and Steve TyndallAgent:BHH Partners (Mike Houx)Proposed Use:Single family residenceAddress:584 Discovery Hill Drive

**Legal Description:** Lot 114, Discovery Hill, Filing 2 **Site Area:** 93,086 sq. ft. 2.14

Site Area: 93,086 sq. ft. 2.14 acres
Land Use District (2A/2R): 6: Subject to the Delaware Flats Master Plan

**Existing Site Conditions:** The lot is moderately wooded with lodgeplole pines, some quite large, and slopes

downhill steeply at 27%. The lot is accessed from a private 45' wide access,

utility and drainage easement.

Density (3A/3R):Allowed: unlimitedProposed: 3,578 sq. ft.Mass (4R):Allowed: unlimitedProposed: 4,446 sq. ft.

**F.A.R.** 1:20.00 FAR

Areas:

**Lower Level:** 1,550 sq. ft. **Main Level:** 2,126 sq. ft.

**Upper Level:** 

**Garage:** 770 sq. ft. **Total:** 4,446 sq. ft.

**Bedrooms:** 4 + study

Bathrooms: 4

Height (6A/6R): 32 feet overall

(Max 35' for single family outside Historic District)

Lot Coverage/Open Space (21R):

Building / non-Permeable: 3,204 sq. ft. 3.44%
Hard Surface / non-Permeable: 2,933 sq. ft. 3.15%
Open Space / Permeable: 86,949 sq. ft. 93.41%

Parking (18A/18/R):

Required: 2 spaces

Proposed: 3 spaces

Snowstack (13A/13R):

Required: 733 sq. ft. (25% of paved surfaces) Proposed: 879 sq. ft. (29.97% of paved surfaces)

Fireplaces (30A/30R): 4 gas burners

Accessory Apartment: N/A

Building/Disturbance Envelope? Disturbance envelope

Setbacks (9A/9R):

Front: within envelope Side: within envelope Side: within envelope Rear: within envelope

Architectural Compatibility (5/A & 5/R): The proposed residence will be architecturally compatible with the neighbor
----------------------------------------------------------------------------------------------------------------------

**Exterior Materials:** 

Siding - 1x6 vertical and 2x12 horizontal, wood shingle accent siding cedar stained "chesnut," accent timbers and fascia stained "charwood," with a natural

stone veneer of moss rock.

Roof: Shingle roof Elk Prestique "weathered wood", metal roof standing seam US

Metals "dark bronze"

Garage Doors: 1x6 siding to match vertical siding on residence

Landscaping (22A/22R):

Planting Type	Quantity	Size
Colorado Spruce	7	(4) 8' to 10', (3) 12' to 14'
Aspen		2" to 3" caliper, 50%
	7	multi-stem
Potentilla	8	5 gallon
Alpine Currant	8	5 gallon
Peking Cotoneaster	8	5 gallon

**Drainage (27A/27R):** Postive away from residence.

**Driveway Slope:** 8 %

**Covenants:** Standard landscaping covenant.

Point Analysis (Sec. 9-1-17-3): An informal point analysis was conducted and Staff found to reason to warrant positive or

negative points for this submittal.

Staff Action:

**Comments:** 

Additional Conditions of Approval:

#### TOWN OF BRECKENRIDGE

Tyndall Residence Lot 114, Discovery Hill, Filing 2 584 Discovery Hill Drive PC#2009053

**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 **December 22, 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 **January 5, 2010,** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

#### **CONDITIONS**

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

- 6. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.
- 7. Applicant shall field locate utility service lines to avoid existing trees.
- 8. An improvement location certificate of the height of the top of the foundation wall and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.
- 9. At no time shall site disturbance extend beyond the limits of the platted site disturbance envelope, including building excavation, and access for equipment necessary to construct the residence.
- 10. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
- 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 proof of ownership of the project site.
- 13. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
- 14. 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.
- 15. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
- 16. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
- 17. 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.
- 18. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
- 19. Applicant shall install construction fencing along the disturbance in a manner acceptable to the Town Planning Department.

20. 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.

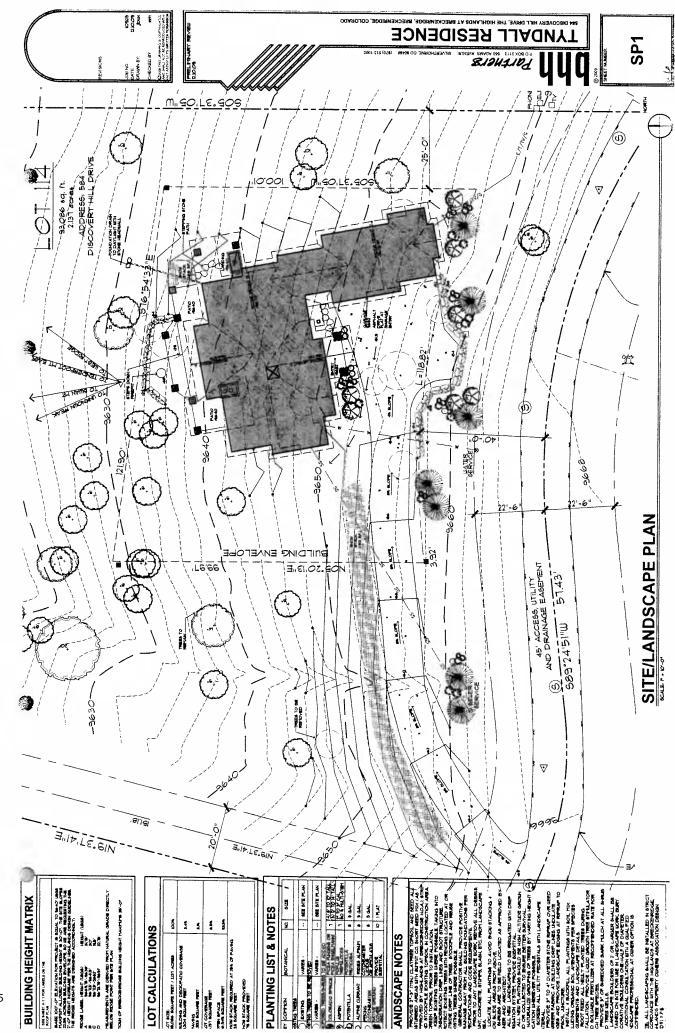
# PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

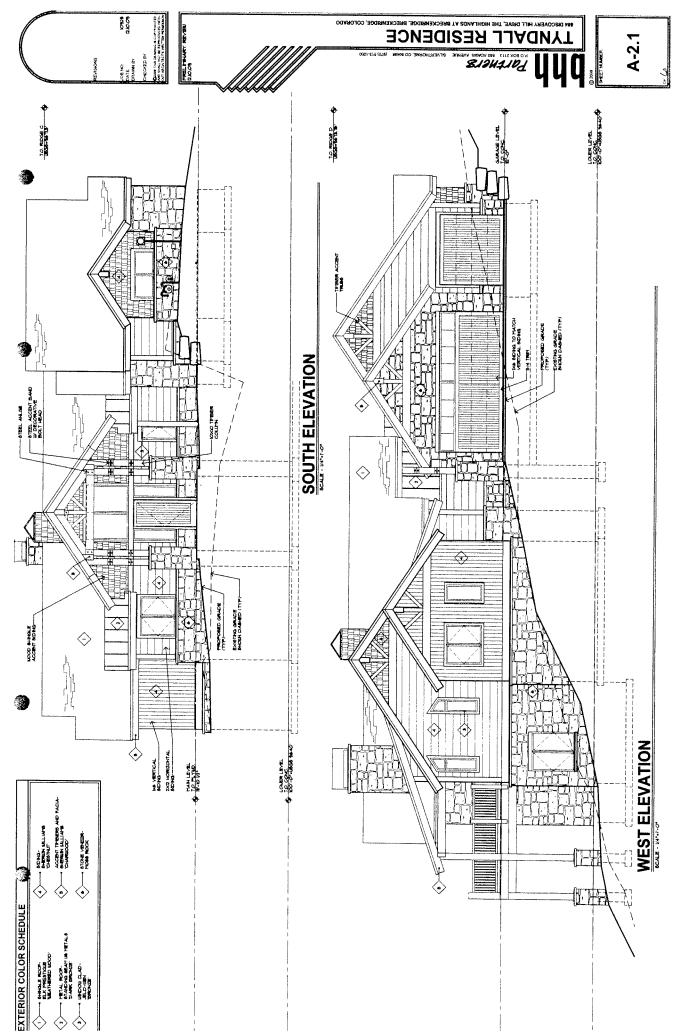
- 21. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
- 22. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
- 23. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property. Applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.
- 24. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
- 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 issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
- 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"

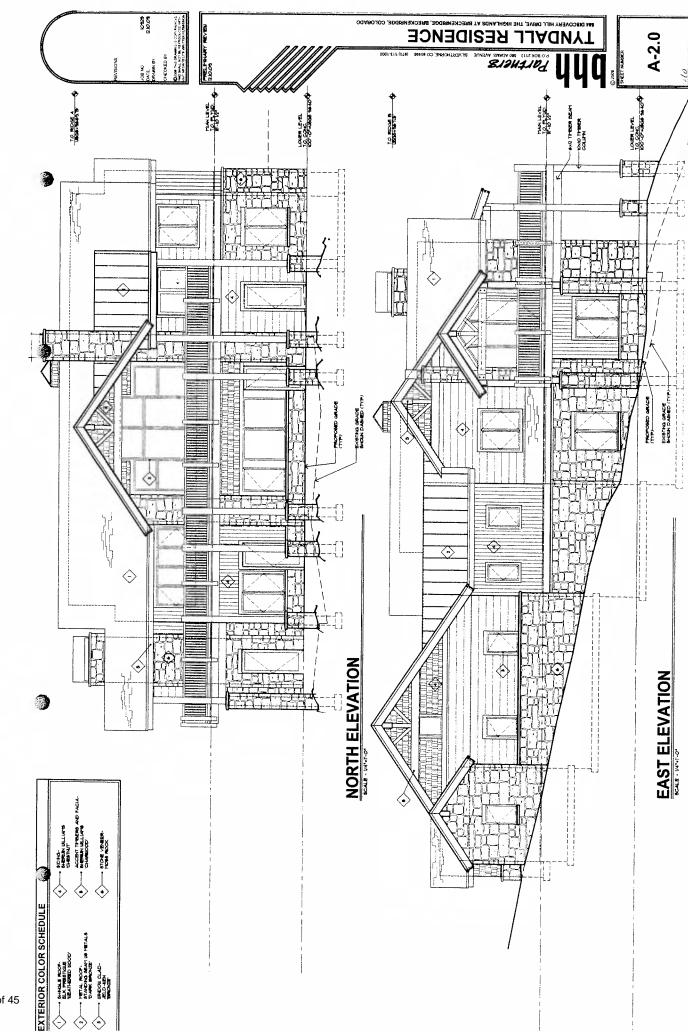
generally means that work can not be done due to excessive snow and/or frozen ground. As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the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







# **Planning Commission Staff Report**

Project Manager: Chris Kulick, AICP

**Date:** December 15, 2009 (For meeting of January 5, 2010)

**Subject:** Breckenridge Park Meadows Condominium Exterior Remodel

(Class C Minor, PC# 2009054)

**Applicant/Owner:** Breckenridge Park Meadows Condominiums Homeowner's Association

**Agent:** Bill Baer, Baer & Hickman Architects

Proposal: This is an exterior renovation of the existing Breckenridge Park Meadows

Condominium building. This proposal includes a minor exterior remodel of the building. Total scope of the project includes the installation of new cedar lap siding with 6.5" exposure, windows, dark sky ordinance compliant exterior light fixtures, Trex decking on upper walkways, colored concrete on lower walkways, cultured fieldstone base (less than 20% per façade), composite shingles and new paint colors.

A material and color sample board will be available for review at the meeting.

**Address:** 110 Sawmill Road

**Legal Description:** Breckenridge Park Meadows Condominiums

**Site Area:** 1.13 acres (approximately 49,223 sq. ft.)

**Land Use District:** 21: Residential, 15 UPA

**Site Conditions:** The site has a 2-story existing structures containing 24 residential condominium units.

Surface parking is located to the southwest of the building and the remainder of the

site has some existing landscaping and some mature spruce trees.

**Adjacent Uses:** Residential & Religious

**Density/Mass:** No change

**Height:** No change

**Parking:** No change

**Landscaping:** No change

# **Item History**

The Breckenridge Park Meadows Condominiums were constructed in 1964, and contain 24 residential units.

# **Staff Comments**

Project Description: The exterior materials are in need of replacement and the HOA would like to update their building and property with a more contemporary appearance while retaining some of its vintage charm. The building's exterior remodel and modification consists of:

- cedar lap siding with 6.5" exposure
- New wood, shake shingle accent siding
- New composite shingle roofing
- New dark sky ordinance compliant exterior lighting.
- New composite decking on upper walkways
- New colored concrete for lower walkways
- New cultured field stone base (less than 20% per façade)
- New color scheme
- New windows

**Architectural Compatibility** (5/A & 5/R): The Breckenridge Park Meadows Condominiums remodel will be architecturally compatible with the land use district and surrounding residential, bringing with it an updated look to the area.

**Point Analysis (Section: 9-1-17-3):** Staff conducted an informal point analysis for the Breckenridge Park Meadows Condominiums exterior remodel project and found it to pass all applicable Absolute Policies of the Development Code and no reason to assign negative points under any relative policies.

# **Staff Recommendation**

Staff has approved the Breckenridge Park Meadows Condominiums exterior remodel, PC#2009054, located at 110 Sawmill Road, with the standard Findings and Conditions.

# TOWN OF BRECKENRIDGE

Breckenridge Park Meadows Condominiums Exterior Remodel 110 Sawmill Road PERMIT #2009054

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 **December 15, 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 **January 5, 2010,** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.

#### **CONDITIONS**

- 1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
- 2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
- 3. This permit expires eighteen months from date of issuance, on **July 12, 2011**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be eighteen months, but without the benefit of any vested property right.
- 4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
- 5. 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. Applicant shall not place a temporary construction or sales trailer on site until a building permit for the project has been issued.

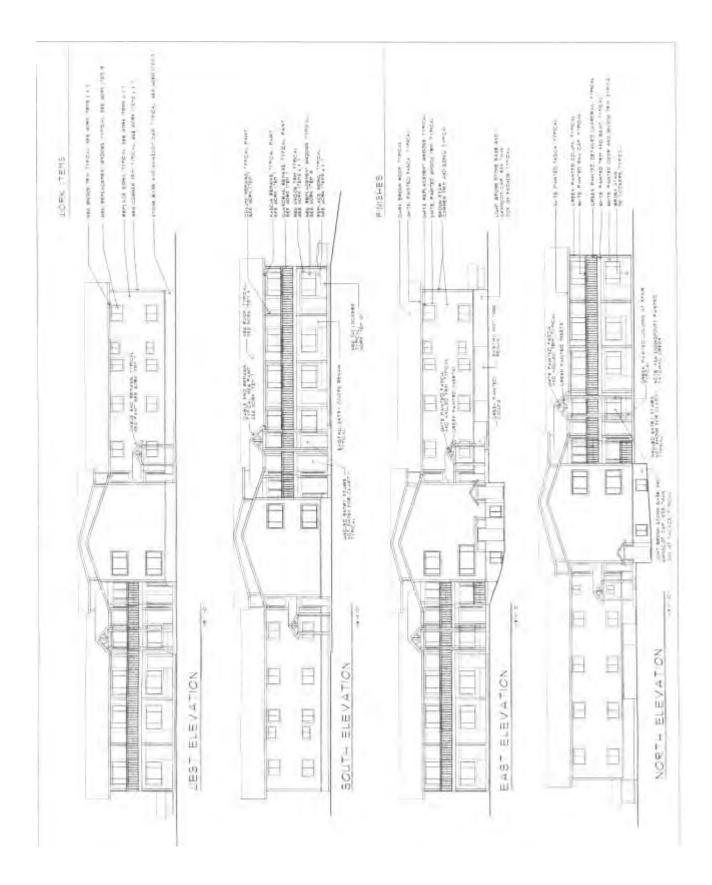
- 7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
- 8. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property 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.
- 9. No existing trees are authorized for removal with this plan. Applicant shall preserve all existing trees on site.

# PRIOR TO ISSUANCE OF BUILDING PERMIT

- 10. Applicant shall submit proof of ownership of the project site.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site, if light fixtures are replaced. 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

- 16. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
- 17. 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.
- 18. Applicant shall screen all utilities, to match the building.
- 19. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
- 20. 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) or public or private property 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.
- 21. 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.
- 22. 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.
- 23. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.



# **Planning Commission Staff Report**

**Project Manager:** Michael Mosher

**Date:** December 23, 2009 (For meeting of January 5, 2010)

**Subject:** Klack Cabin Relocation (Class C Minor, Hearing; PC#2009055)

Applicant/Owner: Town of Breckenridge

**Agent:** Rick Hauge (Breckenridge Heritage Alliance); Tony Harris, Harris Construction

**Proposal:** To lift the existing cabin (currently being rehabilitated under a separate permit #09-

332) and rotate the orientation 180 degrees such that the cabin entrance faces towards

the west rather than the east. No other changes are proposed.

**Address:** Klack Placer (southern end)

**Site Conditions:** The cabin sits along the eastern edge of this portion of the Klack Placer. The historic

opening faces east and nearly abuts the adjacent private property.

**Adjacent Uses:** Residential

**Height:** no change

**Setbacks:** no change

# **Item History**

The Alliance is funding a repair and maintenance on the Klack cabin. The cabin is owned by the Town and is located on the Klack Placer behind 209 South Harris Street. In the past there has been some debate over the ownership, but the Town obtained clear title to the structure through a lawsuit in 1990. Until very recently the cabin was being used by neighbors without Town consent for storage. In September the Town advised all users to remove their personal belongings. While the original date of construction has not been confirmed the cabin is thought to be one of the oldest structures in Breckenridge still standing in its original location.

The roof of the cabin is severely compromised. In addition damp and rotted floor beams and logs at the base of the cabin are causing the cabin to sink into the moist soil causing additional deterioration. The roof, building base, and grading can be repaired so the structure will not continue to rot, degrade, and sink from contact with moist earth, lack of proper drainage, and lack of water tight roof. The Alliance has defined two phases for the repair work. The first phase includes the roof repair and the second phase includes raising the cabin, repairing and replacing the logs as needed. As part of raising the cabin, it was decided to orientate the entry off the Klack for better visibility and access for interpretation.

# **Staff Comments**

Architectural Compatibility (5/A & 5/R): Chapter 6 of the Handbook of Design Standards for the Historic and Conservation Districts describes the relocation of historic structures. The policies described in

this section relate to relocating a historic building to another site. In this case, the building is to remain but be rotated 180 degrees. In that the structure is undergoing a rehabilitation/restoration, staff believes that any negative impacts of this "rotation" are being adequately mitigated.

Building Height (6/A & 6/R): no change

**Point Analysis (Section: 9-1-17-3**): Staff did not provide a formal Point Analysis for this application. Reviewing this application against the applicable policies of the Development Code, Staff found the application passes with a score of zero points.

# **Staff Decision**

The Planning Department has approved the Klack Cabin Relocation PC#2009055 with the attached Findings and Conditions.

#### TOWN OF BRECKENRIDGE

Klack Cabin Relocation Klack Placer (Behind 209 S. Harris Street ) PC#2009055

**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 **December 23, 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 **January 5**, **2010** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

#### **CONDITIONS**

- 1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
- 2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
- 3. This permit expires eighteen (18) months from date of issuance, on **July 13, 2011**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
- 4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
- 5. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
- 6. 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.

- 7. Applicant shall submit proof of ownership of the project site.
- 8. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
- 9. 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.
- 10. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.

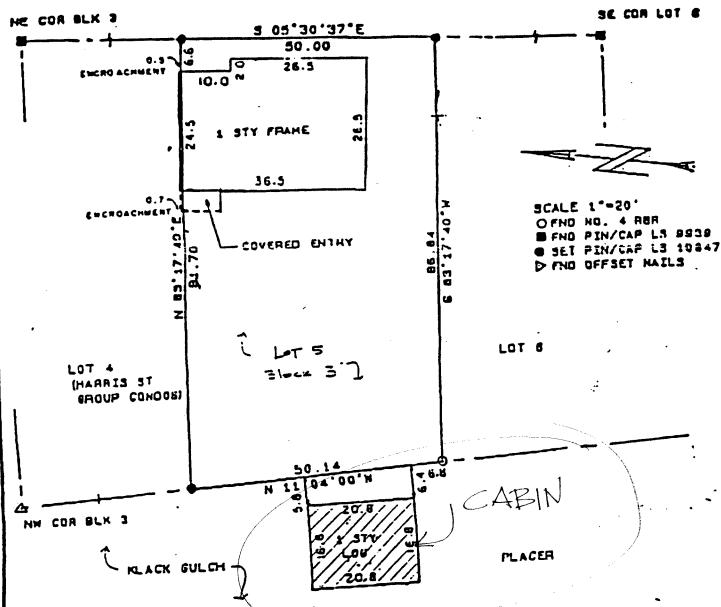
# PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

- 11. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
- 12. 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.
- 13. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
- 14. 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.

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

# HARRIS STREET



I. RICHARD A. BACKLUND. BEING A REGISTERED LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED BY HE AND UNDER MY SUPERVISION AND THAT BOTH THE PLAT AND THE SURVEY MADE BY HE AND UNDER MY SUPERVISION AND THAT BOTH THE PLAT AND THE SURVEY ARE TRUE AND ACCURATE TO THE BEST OF MY KHONLEDGE.

DATE APRIL 24/1939 BY RILLABORELLE

HOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN HO EYENT, HAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CENTUP PATION SHOWN HEREON.

42 BACKLUND LAND SURVEYS
P.O. BOX 614
FRISCO CO 80443

THIS PARCEL IS EDUCATED WITHIN FLOOD TONE C ACCORDING TO COMMUNITY PANEL NO. 080177 0001 E.



### **MEMORANDUM**

**TO:** Planning Commission

**FROM:** Chris Neubecker, Senior Planner

**DATE:** December 16, 2009 (for meeting of January 5, 2010)

**SUBJECT:** Approved Class C Subdivisions

Section 9-2-3-3 of the Breckenridge Subdivision Code authorizes the Director to review and approve Class C subdivisions administratively without Planning Commission review. "Administrative Review: The processing of a class C subdivision application shall be an administrative review conducted by the director. No public hearing shall be required". (Section 9-2-3-3 B)

Class C Subdivisions are defined as follows:

"CLASS C SUBDIVISION: A subdivision of structure(s) into separate units of interest, including, but not limited to, condominiums, timeshare interests, cooperatives, townhouses, and duplexes when done in accordance with a previously approved subdivision plan, site plan, development permit or site specific development plan; the modification or deletion of existing property lines resulting in the creation of no additional lots (lot line adjustment); an amendment to a subdivision plat or plan which does not result in the creation of any new lots, tracts or parcels; or the platting or modification of easements, building envelopes or site disturbance envelopes. A class C subdivision application may be reclassified by the director as either a class A or class B subdivision application within five (5) days following the submission of the completed application if the director determines that the application involves issues which make it inappropriate for the application to be processed administratively as a class C application".

The Subdivision Code indicates that the decision of the Director on Class C Subdivisions shall be forwarded to the Planning Commission:

"D4. Decision Forwarded to Planning Commission: All of the director's decisions on class C subdivision applications which are not appealed shall be forwarded to the planning commission for its information only".

As a result, we have included a list of Class C Subdivisions that have been approved since you were last updated in July of 2008. If you have any questions about these applications, or the review process, we would be happy to answer. Otherwise, no discussion on this matter is required.

Class C Subdivisions approved for PC Memo

Permit #   Project Name	Address	Description	Approval Date   Planner	Planner
2009026 Lot 70, Bartlett & Shock	201, 203, 205 North Main Street	Main Street Resubdivision into saleable lots	07/08/2009 Mosh	Mosh
2009035 Lots 26A-26B, Shores at the Highlands	209-211 Shores Lane	Resubdivision of duplex lot	08/14/2009 Mosh	Mosh
2009044 Lot 2, Main Street Station Subdivision	600 Columbine	Subdivide 1st phase of building into condos & support spaces	10/05/2009 Mosh	Mosh
2009052 Lot 1, Peak 7 Subdivision	1979 Ski Hill Road	Subdivide 2nd phase of building into condominiums	11/27/2009 Mosh	Mosh



# **MEMORANDUM**

**TO:** Planning Commission

**FROM:** Chris Neubecker, Senior Planner

**DATE:** December 31, 2009 (for meeting of January 5, 2010)

**SUBJECT:** Class Ds

As of December 30, 2009, the approved Class Ds for 2009 were as follows:

Banners/Signs:	77
Fences/Driveways/Landscaping/	
Retaining Walls/Berms:	44
Decks/Hot Tubs/Deck Additions:	72
Tree Removal (Dead or Otherwise):	70
Home Occupation:	12
Special Events:	14
Temporary Tents:	3
Painting/Remodel/Reroof:	85
Other:	38
Solar Panels:	11
Total Class Ds issued 1/1/09 – 12/31/09:	426