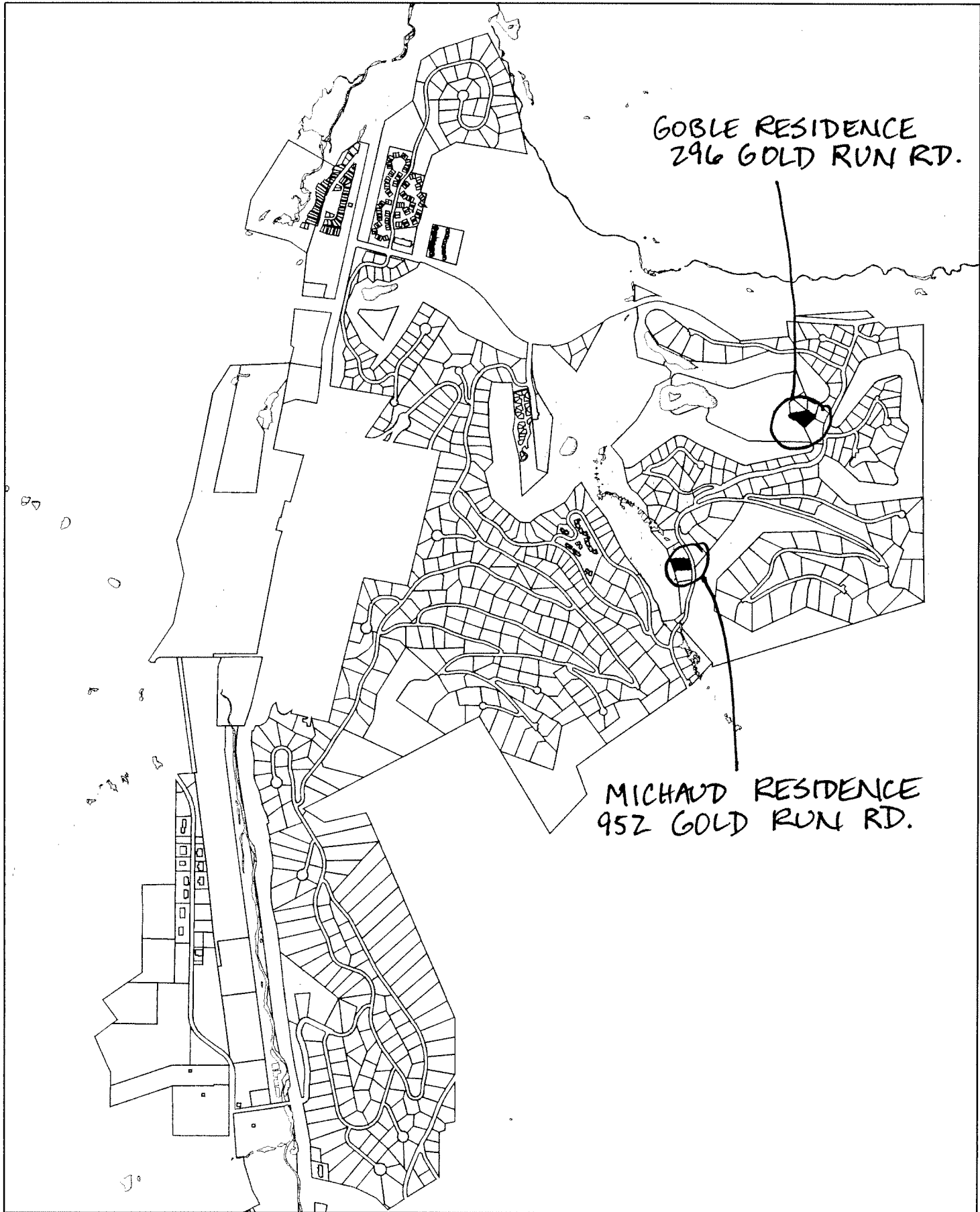


Town of Breckenridge
Planning Commission Agenda
Tuesday, February 2, 2010
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the February 2, 2010 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes January 19, 2010 Regular Meeting Approval of Agenda</i>	4
7:05	<i>Consent Calendar</i>	
	1. Goble Residence (CK) PC#2010003 0296 Gold Run Road	11
	2. Michaud Residence (CK) PC#2010005 952 Gold Run Road	20
7:15	<i>Worksessions</i>	
	1. Transition Area Standards (MM)	29
	2. Landscape Policy (JC)	30
8:55	<i>Town Council Report</i>	
9:00	<i>Preliminary Hearings</i>	
	1. Bradley Residence Historic Renovation and Landmarking (MM) PC#2010002 213 E Washington Avenue	40
10:25	<i>Other Matters</i>	
10:30	<i>Adjournment</i>	

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

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



GOBLE RESIDENCE
296 GOLD RUN RD.

MICHAUD RESIDENCE
952 GOLD RUN RD.



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

Breckenridge North

printed 2007

J

BRADLEY RESIDENCE
HISTORIC RENOVATION +
LANDMARKING
213 E. WASHINGTON AVE.



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

Breckenridge South

printed 2007



PLANNING COMMISSION MEETING

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

ROLL CALL

Leigh Girvin Michael Bertaux
Dan Schroder Jim Lamb Dave Pringle arrived at 7: 34
Rodney Allen was absent.
JB Katz was absent.

APPROVAL OF MINUTES

With no changes, the minutes of the January 5, 2010, Planning Commission meeting were approved unanimously (4-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the January 19, 2010 Planning Commission meeting was approved unanimously (4-0).

CONSENT CALENDAR:

1. Theobald Building Master Sign Plan (MGT) PC#2010001; 101 South Main Street
Mr. Schroder: There are already signs there on the building so what are we looking at with this application? (Mr. Thompson: Buildings with three or more businesses are required to do a master sign plan per Code. They didn't do anything contrary to the sign code.) So this is a formality? (Mr. Thompson: Yes. The allowed sign area is based on the building frontage per the Code. It is pretty straightforward.)

With no requests for call up, the Consent Calendar was approved as presented.

WORKSESSIONS:

1. 90 Flintstone 1 Car Garage (CK)
Mr. Kulick presented an application to make a determination of what the appropriate setbacks are for an existing duplex subdivision. The applicants requested the Planning Commission's guidance in this interpretation to better enable them to design and construct a single car garage in the near future on Tract A-1 of the property. Staff included the plat of the property in the presented packet to help orient the Commission to the unique site plan of this property. Additionally staff included a letter of support from the applicant's neighbors which reside in the other unit of the duplex.

Staff supported the possibility of locating a garage on Tract A-1. Staff believes the code clearly states that in instances of duplexes, only perimeter boundary setbacks are relevant. Staff recommended, based on information gathered from The Illustrated Book of Development Definitions, that the three property line setbacks for the property be determined to be a front setback adjacent to Flintstone Lane and the remaining two be considered sides for setback purposes.

Questions for the Commission

- Did the Commission support the potential development of a garage on Tract A-1?
- Did the Commission believe that only perimeter boundary setbacks would be relevant?
- Did the Commission agree with which setbacks should be applied to the three sided lot?

Steve Lapinsohn, Applicant, spoke briefly about the home and the request. The home is for sale and everyone that has looked at our home is interested in a garage. We wanted to determine if we could build a garage on this property. It has made it a problem to sell it. Our current parking situation is surface parking, and since our neighbors are not in town often, we also park in their carport at times.

Commissioner Questions/Comments:

Ms. Girvin: Is the lot over density of over mass? (Mr. Kulick: Both.) I would like to see this project looked at comprehensively, considering the lots are already over density. I would like to see what you and your neighbor can do together with the garages. I am concerned with the precedent that we might set without looking at the whole future picture. It might make sense to work with your neighbor to

build it as well. (Mr. Lapinsohn: When we looked into this we determined that there are no legal or title issues. I have also checked with an architect and he indicated that it would be fairly simple to finish off the carport of the neighbors. I was planning to see what type of size garage we could have on the site, not necessarily planning on building it.) I would prefer to see it as a whole. I don't have a problem with a garage on the tract as long as it looks good and the neighbors are okay with it. How would the setbacks work – relative or absolute? (Mr. Kulick: The first part is that they have to be 20 feet from the right-of-way. The second part is that it would have to be a minimum three feet off the property line, which would incur negative points, or five feet from the property line to avoid negative points.) Whatever you can nail down before you sell will benefit you, your neighbor and the future owner.

Mr. Bertaux: I am okay with this. I think that we should allow a garage and the relevant setbacks are the ones we should go by; I agree with staff's conclusions.

Mr. Schroder: What are the current setbacks based on? (Mr. Kulick: Based on the original county plat, before annexation into the town. The town setbacks may be more permissive.) (Mr. Neubecker: On the plan, there are utility easements located but setbacks are not shown.) There is no rear yard to work with, based on staff's interpretation. (Mr. Kulick: Correct.) I also think that the garage would be useful to the property and the future homeowner. I appreciate staff's homework on the situation and the garage siting. I think it could move forward to an application.

Mr. Lamb: I am okay with the setbacks and the proposed garage. I appreciate you working with your neighbors.

2. Energy Policy (LB)

Ms. Best presented. Staff has met twice with the Planning Commission in 2009 (July 15 and September 15) to discuss Policy 33R and specifically how the policy could be amended to clarify point assignment relative to energy use, conservation, and renewable sources of energy. The policy was included in the development code in 1978 and has been used on eighteen projects with four projects assigned negative points (heated/snow melt drives, parking, walks). Fourteen projects have been awarded positive points (passive orientation and on-site renewable energy).

As staff began to work on the policy it became clear that there is considerable overlap between energy and sustainability issues. Policy 33R is an energy policy and while there are many benefits to sustainable development, those issues are being addressed by the Sustainability Task Force. There may be subsequent amendments throughout the development code to encourage sustainable development, but the focus of Policy 33R is energy use. Possible opportunities include HERS (Home Energy Rating Software) Index and LEED Certification.

We'd like to discuss some specific concepts including:

- *require testing, perhaps a mandatory HERS (or equivalent) rating, which would be equivalent to an absolute policy in the Development Code*
- *rewards for exceeding or meeting a certain target HERS (or equivalent) rating that reflects greater energy efficiency than achieved by the Sustainable Code by awarding positive points in Policy 33R*
- *a mandatory LEED certification (or equivalent rating) or incentive for LEED certification for commercial/industrial buildings*
- *additional assignment of negative points for high energy uses that are not accounted for in the HERS rating through allocation of negative points in policy 33R*

This is the first discussion with Planning Commission regarding HERS and staff does plan to contact energy professionals as well as local architects for their input. Staff was not proposing or discussing specific point assignments, but would appreciate the Commissions input.

Glen Morgan, Chief Building Official for the Town of Breckenridge, presented the Sustainable Code that was adopted by the Town. There was a two year process that included a Task Force and public meetings and the code was adopted County-wide. Beginning in 2009, homes were required to submit following the Sustainable Code. The concept of "measuring" was difficult when this code was adopted; therefore the code was developed without measurable quantities. This has changed now, and this is now a gap in this code. To establish the code, we looked at a "datum" house and what was a standard quality house of 3,000 square feet. We looked at outdoor "energy intensive amenities", such as air conditioners, outdoor heated driveways, hot tubs, etc., which are assigned negative points. Homes over 3,000 feet are also given negative points for size. We set standards for homes to meet for positive points as well. There is a five page checklist for energy and green methods, and the goal is to meet the

“datum” house energy and environmental impacts. There are a number of different ways for architects to reach this with a variety of points. We are not currently measuring the results, and we can’t compare house to house. This is the opportunity that Ms. Best and I have discussed through the potential changes to the development code.

Commercial buildings are not currently covered under the code, and multi-family was included in the adoption process originally, but many of these types of large building are difficult to achieve under this code. We allowed larger buildings to use Green Globes, LEED and other nationally recognized rating systems in lieu of our code. Energy is covered by IECG (energy code), required under state regulations in 2008.

Mr. Lamb opened the public hearing.

Lindsey Shorthouse, Bridgeline Consulting: I think the HERS rating would be a good way for a third party verification to qualify how these homes are being built. This would help to ensure that homes are being built the way they are being planned. It will create buyer awareness and an elevated industry of tradesman, builders and architects. On remodeling for permits, I would like to see a 60 HERS rating, especially for homes remodeling or adding over 1,000 sf.

Adam Savage, Savage Architecture: We are concerned with affordability. We have clients that are optimistic that they can improve upon the industry green standards, and it is always a tough decision making process for them. Our goal is better, greener, and cheaper, and we need more education and discussions like this. We all want to be healthy for the environment.

Commissioner Questions/Comments:

Ms. Girvin: Do you think the HERS rating will meet the need for measuring? (Mr. Morgan: Yes. It is the nationally recognized rating system. It is done by the United States Green Building Council - USGBC.) Is there a target in the sustainability code for the HERS rating? (Mr. Morgan: As adopted, the houses under our code would be a “100”. Each house would be different. In the theory that you would give positive points if it was an upgrade from the sustainable code, you might aim to reach an 80 or a 90. It is an engineered calculation. Inspections during the construction process are really critical.) I think that the matrix is really helpful that staff put together, and I think we have been a little inconsistent with points awarded under policy 33R in the past. I like that the HERS rating is quantifiable and that it is becoming an industry standard. It is not a new thing to the building industry. I don’t think it is too much of a leap to require testing and have thresholds for meeting and rewards for exceeding. I agree with Mr. Bertaux that we need to require something for commercial and multi-family as well. I agree with Mr. Schroder that requiring LEED or making it mandatory should be flexible, but it needs to be addressed. I would like to hear more input from local architects, developers and real estate community.

Mr. Bertaux: Is the HERS index applicable to buildings in the historical district? (Mr. Morgan: It could be used for all areas in town, but there may be exemptions for historic buildings. New buildings should try to meet the 100 score. HERS could be a benefit to a historical building to determine an energy rating and methods that could be used to improve the energy efficiency without damaging historic fabric.) You brought up the example of a person that wants to add a hot tub. Would they have to go through this analysis? (Mr. Morgan: Only buildings that were built under the Sustainable Code.) Who is going to do all of these energy audits? Town staff? (Mr. Morgan: A third party would complete the audit, that is where the \$1,200 comes in.) So the third party wouldn’t also be a sales person for insulation? (Mr. Morgan: No.) Wouldn’t it be fairer to audit both homes and commercial? I think we should be looking at both. (Mr. Morgan: Yes, we should require it for both.) I agree with Mr. Pringle’s thoughts. If testing is required, it should be required for residential, commercial and industrial. We need to be consistent. I think that awards for meeting a target are important. I like that Frisco is doing LEED and I think we should do it as well. I am concerned that people doing an energy audit be independent, and not selling anything else.

Mr. Pringle: I am confused about the process and how we would award positive points under 33R. We would require people to do an energy rating and then how would we award points? I am not so sure that the plans we look at are developed to a level where a HERS rating could be done to award these points. (Mr. Morgan: They would have to do additional work to commit to that energy level during the planning review process.) This is quite a deviation from our current process. (Mr. Grossheusch:

I think there are ways to handle this. When Mr. Morgan gets the plans and it doesn't meet that goal, they wouldn't get a permit for construction and would have to come back through the planning process.) I think that this seems complicated. If somebody used "energy star appliances" and carpeting and paint that doesn't have volatile organic compounds (VOCs) how would we make sure that this is continued? (Mr. Morgan: We would be looking for these at building permit. We wouldn't be able to review if they are changing these things out in the future.) I think that we ought to put this out to the community and see what kind of response we get from them. I think that this is going to add a dimension to our building process. Our original quest was that if we are going to give positive points for 33R, how do we measure it? I am cautious on how fast this is going. This is a moving industry and changes continually. I am not opposed to where we are going, but cautious. I like the idea of an energy saving component for the development that we have a way to test it before we award points, but this might be so complicated I am not sure it is where we want to go. I think that positive points should be awarded if baselines are exceeded. I do not think there should be a mandatory LEED certification. We need buy-in from the development community.

Mr. Schroder: Do we know of any other jurisdictions that are requiring testing? (Mr. Morgan: Boulder. Frisco requires LEED for commercial buildings.) The price for energy testing is around \$1,200? (Mr. Morgan: Yes, for now.) I think that I am resistant to the words "required" and "mandatory". We want to make consistent decisions. I would like to "encourage" rather than mandate, and highly incentivize. I appreciate the ability to quantify the improvements.

Mr. Lamb: It was interesting on our field trip that the architect mentioned that only a few people were able to do this energy rating testing, and now they said that there were as many as 14 people that can do this testing in Boulder alone. It is a great industry to have in a community. (Ms. Best: We are considering requiring a HERS rating, but there would be positive points for going above and beyond what the testing shows. The Planning Commission needs to decide if we should award positive points for going above and beyond.) I agree with pretty much everything that has been said. I am struggling with the mandate of this. If someone were seeking positive points I think we should make them get a good HERS rating, but I am a little concerned with mandating it. If someone was building a small house we may be able to determine if they are building a good house without this testing process. I think it is a good discussion to begin, and appreciate the ability to measure it. I think we need the development community to weigh in. I support LEED certification for commercial buildings.

3. Housing Policy Amendment (LB)

Ms. Best presented. Recently several large affordable housing projects have been approved or submitted that have utilized the positive ten (+10) points that are awarded under Policy 24R to offset significant site disturbance or design concerns. This is not common, but the potential exists, primarily in conjunction with annexations or development agreements where the Town is providing significantly more density (for affordable housing) than was contemplated in the original Land Use District.

Both Planning Commission and Town Council have raised this as an issue and have asked Staff to draft an amendment to Policy 24R. From conversations with Town Council, it appears that the original intent of Policy 24R was to incentivize affordable housing but not to allow significant 'upzonings' that also have the benefit of positive ten (+10) points to mitigate questionable design or excessive site disturbance.

There were several issues for consideration including:

1. Should positive points under Policy 24R ever be allowed for using 'free' density for affordable housing? Would the density enough of an incentive? In the case of annexations where up to 80% of the project density is brought to the site by the Town, Staff is concerned about the "double dipping", and the potential unintended site impacts resulting.
2. Would positive ten (+10) points be too many points in that it offsets too many site related negative points? It appears that none of the recent projects required all ten points and that this cap may need to be lowered.
3. Should a different point assessment (or multiple matrixes) be established based on the size of the project, the amount of natural versus 'free' density that is used for affordable housing and the price points (i.e. maximum points available for projects that utilize 10% of their own density with fewer points available for projects that utilize primarily 'free' density and maximum points available for projects that deliver lower price points)?

4. Should projects that take advantage of the density bonus of 10% under Policy 3A (D) also be allowed positive points under Policy 24R, or should this also be considered “double dipping”? The density bonus under Policy 3 has worked well as an incentive and the addition of 10% density does not seem to result in over programmed sites. Staff believes that bonuses should still be allowed, these projects should still be eligible for the positive points, and that the focus of this policy modification should be annexations and development agreements that are adding substantial density.

Summary

Staff still believes that incentives are necessary to encourage the private sector to contribute affordable housing units. In addition, Policy 24R has resulted in many dispersed units throughout Town as projects need to make up points. Based on the projects that have been approved, it seems that a sliding scale (or multiple matrixes) based on natural verses ‘free’ density and lower price points (Item 3) might achieve the highest quality projects while still providing some incentive.

Commissioner Questions/Comments:

- Ms. Girvin: I like the matrix approach that weighs different priority policies. I am not averse to positive ten (+10) being the highest, but I don’t think it has to be nothing or ten. I appreciate that affordable housing should be reviewed at the same standard of other development and I agree we need incentives, but am concerned that affordable housing we had seen previously – it was pretty terrible and not dignified. As we see projects come through we need to think about the quality of life for the people to live.
- Mr. Bertaux: I agree with rewarding for the AMI. I do not think that the ten points should be used to offset site impacts.
- Mr. Pringle: Back in the old days, we couldn’t get developers to do affordable housing. What changed such that affordable housing is all of a sudden profitable for the private sector? Is it the density we are proposing? (Mr. Grosshuesch: One of the elements is that annexations are only allowed if there is an affordable housing component and so now there are more projects.) (Mr. Neubecker: Maybe instead of giving away the farm we should be giving away only a cow or two.) (Ms. Best: I don’t think that it is necessarily that profitable.) We are creating an additional burden on the land that the additional density causes. We need to look at the annexation problem. (Mr. Mosher: We should look at these site impacts that you are bringing up, like we do on other projects.) Are there any of our deed restricted units in foreclosure? (Ms. Best: We follow this very closely. Most of our deed restrictions will survive a foreclosure, and if it doesn’t we have the option to purchase the unit. There are specific requirements for FHA loans) (Mr. Lamb: The town is prepared to do that?) (Ms. Best: Yes. We have the funds to step in.) This is really important to make sure our affordable housing units are preserved.
- Mr. Schroder: I think we should do this. I think that the ratcheting version looks good, the third bullet point in the staff report. A matrix is a good way to go. I think that the original concept, 10,000 square feet for positive ten (+10) points is a little low. I am not negating what work went in previously, but it seems low. At the time we needed that much incentive.
- Mr. Lamb: Are we hearing a consensus that positive ten (+10) points is too much? (Mr. Pringle: No. It isn’t too much if the site plans are reviewed correctly.) (Mr. Mosher: We need to be examining the quality of product in relationship to the ten points.) What if you couldn’t use the ten points for site disturbance? (Ms. Best: Yes, that is one we could address with this updated policy.) (Mr. Pringle: Wouldn’t this be a deviation from the code?) (Mr. Neubecker: We have discussed having sections of the code grouped together that are pass/fail points for that particular group.) (Ms. Cram: Ten points is a lot of positive points. The matrix is a good way to achieve this.) Why couldn’t we have a multiplier of two points that reflects the impact of the project on the town? (Ms. Best: The AMI would work this way as well.) I don’t think that anyone supports “double-dipping”. I think that this needs some massaging and that staff has our direction to move forward.
- Mr. Rossi: I think that the concern with Planning Commission previously was the architectural character. Ms. Best said that we should hold affordable housing to the same standards as regular market rate development. I think we want to ensure that quality architecture is a part of affordable housing. Do we always relax everything for affordable housing projects? (Mr. Grosshuesch: At staff level we aren’t treating these affordable housing projects differently than others during the review process.) Are you requesting that a matrix be added that awards points based on the AMIs that are being met?

(Ms. Best: Yes. Points would be determined by the AMI target being met. It is appropriate to offset some of the points in our policies, but not all. Also, perhaps the percentage of density that you bring to the table along with the free density or density from the town would be taken into account. We need a more objective way of doing the points analysis.) What was the original intent of the ten points? (Mr. Neubecker: It was to encourage the inclusion of affordable housing in larger projects.)

4. Landscape Policy (JC)

Ms. Cram presented. The Planning Commission last reviewed proposed changes to the Relative Landscaping Policy on October 20, 2009. A draft of additional proposed changes based on Planning Commission input and staff consideration of the primary goals for new landscaping was presented in the packet. Staff requested the Commission keep in mind that, as proposed, the new Absolute requirements that were discussed in September included the removal of dead and diseased trees, basic forest health requirements and minimal landscaping/screening requirements as ground zero.

- During review of the relative policy, Staff asked the Commission to consider whether it would make sense to have absolute minimum requirements for landscaping or have the opportunity to assign negative points. Staff believed that the absolute minimum requirements will help to raise the bar for better landscape plans and will be easier to administer in the future. However, Staff requested Commission input.

Some of the highlights of the changes included new language that gives greater emphasis to the preservation of natural landscape areas and wildlife habitat, utilization of native plantings, the inclusion of xeriscape plantings, use of bio-swales and permeable paving. In addition, Staff has taken another try at developing some examples for the award of positive two (+2) up to positive six (+6) points.

Commissioner Questions/Comments:

Ms. Girvin: I think you have done a really nice job of stating the goals. I was thinking of situations where you might want to apply negative points for landscaping, and the one situation is if a lot of the site is disturbed, but that should be covered under site disturbance. Did we determine whether our water rights allow us to use gray water? (Mr. Neubecker: Yes, we determined our water rights are fully consumptive, therefore we are allowed to recycle and use gray water.) Regarding the proposed points, what is Zone 1? (Ms. Cram: It relates back to the absolute policy and defensible space.) One thing that stands out for positive six (+6) points, I think that the word “complete” in reference to screening of the site sounds unattainable. I think the word “significant” or “substantial” might be more appropriate.

Mr. Bertaux: One comment is under number 6 under irrigation systems, the language says “irrigation systems that are sustainable are strongly encouraged” and I think we should add “and should be maintained”. The maintenance of the landscaping is critical and irrigation helps to achieve this, especially in a drought year. What is “sustainable” irrigation? (Ms. Cram: The absolute policy includes maintenance. Low flow, drip irrigation and gray water are methods to achieve sustainable irrigation. This can be defined.) Regarding number 13, I tend to think it should be absolute. The example that comes to mind is a lot that has been scraped. Who decides what disturbed area needs to be “softened”? (Ms. Cram: If it is absolute then staff would bring it up in the report. This will run really close with site disturbance. (Mr. Schroeder: What if a tree was removed right next to the house, would they have to replace the tree?) (Ms. Cram: We wouldn’t require that because of the new defensible space requirement. I think this is covered in other policies.) Buffering the offsite views, if the architecture is good it might not want to be buffered. It seems subjective. Maybe you don’t need this language? I would support that. (Mr. Pringle: The key phrase is “beyond the absolute policy” and if that isn’t enough maybe we should ask them to do more as an absolute.) (Ms. Cram: Staff will look at this one further and see if other policies cover the goal.)

Mr. Pringle: Is the use of bio-swales the same as the use of a berm? (Ms. Cram: No. A bio-swale collects storm water, filters the water and while providing water for the landscape.) Like a detention pond? (Mr. Rossi: Detention ponds are more collection areas, not filter areas.) (Mr. Lamb: It puts water back into the system.) (Ms. Girvin: It also is more natural. Some pictures would be really helpful.) Is there a better descriptive word than “permeable paving”? The word paving is confusing. (Ms. Cram: We will bring you some more examples of bio-swales and permeable paving. Paving allows us to not conflict with the existing parking code. It also would apply to pedestrian surfaces.) Do we

want to look at your landscaping plan from a perspective of maturity or at installation? (Ms. Cram: You will look at it from a perspective of maturity.) (Ms. Girvin: I think that looking at mature plants is good in plans, but there should be some kind of wiggle room for slower growing trees.)

Mr. Schroder: I like the language that is presented in the goals and that staff established a “ground zero”. I think that on old number 5 the answer should be yes, an absolute. (Ms. Cram: The fire wise task force also agrees that defensible space should be absolute for new construction.) Is the new number 8 going to get blocked because it isn’t new construction? I agree with the policy. (Mr. Neubecker: Nothing in this policy would preclude them just because it isn’t new development.) Would gravel suffice? (Ms. Cram: No, this allows for people to use surfaces other than solid asphalt or concrete.) I think the 2, 4, 6 point system looks good. I think that visuals would be a great guide.

Mr. Lamb: For the “ground zero” I think that the very minimum is already there in the code. (Ms. Cram: In addition to that we are looking at removal of dead and diseased trees.) The challenge is that we are writing one policy for all areas of the town and all sites. I agree with Ms. Girvin regarding the “screening” terminology for the 6 positive points.

Mr. Truckey: Why aren’t we requiring drip irrigation? (Ms. Girvin: We can’t drip irrigate a lawn.) (Ms. Cram: There should be flexibility for the property owner.) (Mr. Schroder: We also can’t mandate that someone turns on the irrigation, even if it is required.) (Mr. Pringle: Perhaps in a multi-family situation an irrigation system should be required and absolute.)

TOWN COUNCIL REPORT:

Mr. Rossi: One thing Council is struggling with on the Gondola Lots Master Plan is the brick on the grand lodge, and that they would incur negative points for its use. I think we want it to be brick, but they will get negative points for doing brick. We need some way to address that. (Mr. Lamb: I think some of us were okay with brick. I personally think brick is an okay application.) (Ms. Girvin: I know that I brought it up. Why are we encouraging it and then giving them negative points?) (Mr. Neubecker: I think it is our code that we are following, but the final decision is up to the Planning Commission and Council when the individual building is reviewed. You could determine that no negative points are assigned for brick due to historic buildings in town, building significance, etc.) (Ms. Girvin: How many negative points is it?) (Mr. Neubecker: It is a 3 multiplier, so up to negative 6 points). (Mr. Grosshuesch: The way the code works is that if you are going to do brick, you are going to get negative points. We don’t want people to manipulate the code. We don’t want site planning policies evaluated at the time of the master plan. We said at Council that we would work with the Commission to amend that policy. Possibly we could add that for “significant buildings”.) (Mr. Pringle: Let them take the negative points.) (Mr. Schroder: Why would we want to change the code?) (Mr. Neubecker: I don’t know.)

I think that the Bradley Residence (French and Washington) will get called up by Council if it is landmarked. What might help the discussion is getting the full Tim Barry findings and recommendations from the Planning Commission. Commissioners agree that we need to be careful in going this route and how the code is interpreted. On one side we have the code, and the other side we have the potential to remodel this building.

OTHER MATTERS:

None.

ADJOURNMENT

The meeting was adjourned at 10:05 p.m.

Jim Lamb, Vice Chair



Class C Development

Project Name/PC#: Goble Residence PC#2010003
Project Manager: Chris Kulick, AICP
Date of Report: January 21, 2010 For the February 2, 2010 Planning Commission Meeting
Applicant/Owner: Rick & Renee Goble
Agent: Janet Sutterley
Proposed Use: Single-Family Residence
Address: 0296 Gold Run Road
Legal Description: Lot 39, Highlands Park
Site Area: 44,207 sq. ft. 1.01 acres
Land Use District (2A/2R):

Existing Site Conditions: 38: Residential & Recreation
 The lot slopes downhill from east to west at an average of 4%. The site is moderately covered with willows and has virtually no trees. A 45' access, utility and drainage easement runs along the entire northeastern edge of the lot. A 20' utility and drainage easement is located on the western side of the lot. Wetland boundaries are present on the north, west and south sides of the lot.

Density (3A/3R): Allowed: 7,000 sq. ft. Proposed: 5,856 sq. ft.
Mass (4R): Allowed: 7,000 sq. ft. Proposed: 6,687 sq. ft.
F.A.R.: 1:6.61 FAR
Areas:
Lower Level: 2,233 sq. ft.
Main Level: 2,511 sq. ft.
Upper Level: 1,112 sq. ft.
Accessory Apartment:
Garage: 831 sq. ft.
Total: 6,687 sq. ft.

Bedrooms: 5
Bathrooms: 6
Height (6A/6R): 29 feet overall
 (Max 35' for single family outside Historic District)

Lot Coverage/Open Space (21R):
 Building / non-Permeable: 4,098 sq. ft. 9.27%
 Hard Surface / non-Permeable: 1,916 sq. ft. 4.33%
 Open Space / Permeable: 38,193 sq. ft. 86.40%

Parking (18A/18/R):
 Required: 4 spaces
 Proposed: 2 spaces

Snowstack (13A/13R):
 Required: 479 sq. ft. (25% of paved surfaces)
 Proposed: 508 sq. ft. (26.51% of paved surfaces)

Fireplaces (30A/30R): One - gas fired

Accessory Apartment: None

Building/Disturbance Envelope? Disturbance Envelope

Setbacks (9A/9R):

Front: Disturbance Envelope
Side: Disturbance Envelope
Side: Disturbance Envelope
Rear: Disturbance Envelope

Architectural Compatibility (5/A & 5/R): The residence will be compatible with the land use district and surrounding residences.
Exterior Materials: 2"x12" hand hewn shiplap siding, vertical cedar siding, cedar trim and natural stone
Roof: Composite shingles & non-reflective metal, standing seam roofing
Garage Doors: Wood Clad

Landscaping (22A/22R):	Quantity	Size
Planting Type		
Colorado Spruce	6	3@ 6 feet tall and 3 @ 10 feet tall
Aspen	9	1-1.5 inch caliper - 50% of each and 50% multi-stem
Shrubs and perennials	8	5 Gal.

Drainage (27A/27R): Positive away from structure.

Driveway Slope: 6 %
Covenants: Standard landscaping covenant

Point Analysis (Sec. 9-1-17-3): An informal point analysis was conducted for this proposed residence and no positive or negative points are warranted.

Staff Action: Staff has approved the Goble Residence, PC#2010003, located at 0296 Gold Run Road, Lot 39 Highlands Park, with the standard findings and conditions.

Comments:

Additional Conditions of Approval:

TOWN OF BRECKENRIDGE

Goble Residence
Lot 39, Highlands Park
0296 Gold Run Road
PC#2010003

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 **January 21, 2010**, 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 **February 2, 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 **August 9, 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. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
7. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. 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.
10. 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.
11. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

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 and erosion control measures at the 25-foot no-disturbance setback to streams and wetlands in a manner acceptable to the Town Engineer.

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.

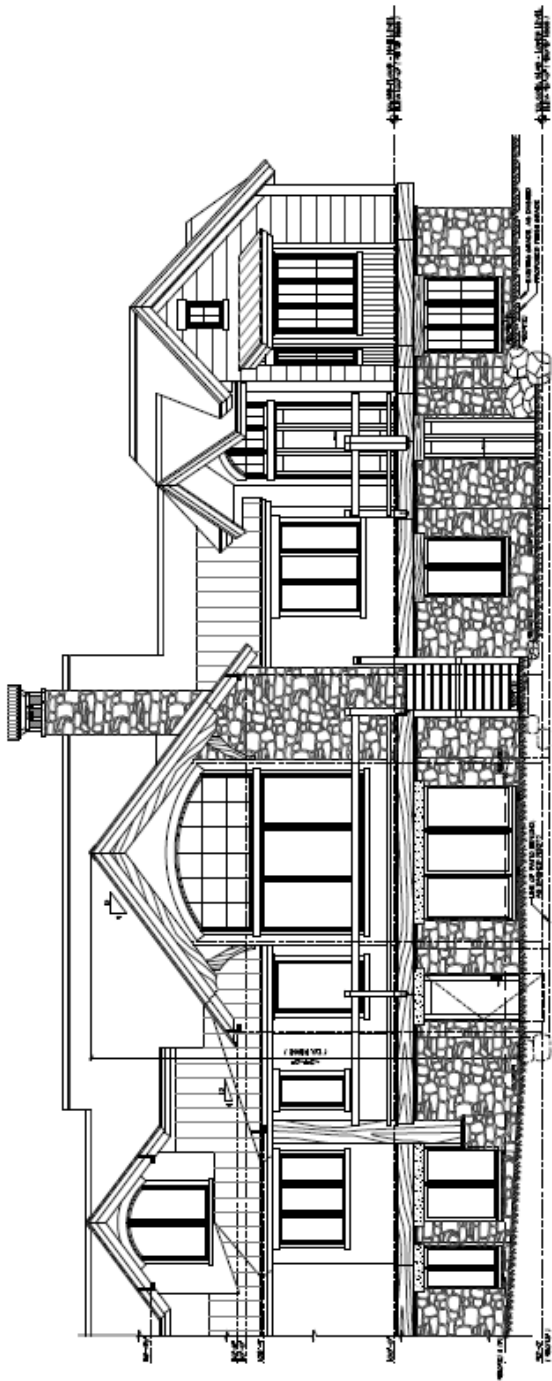
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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**

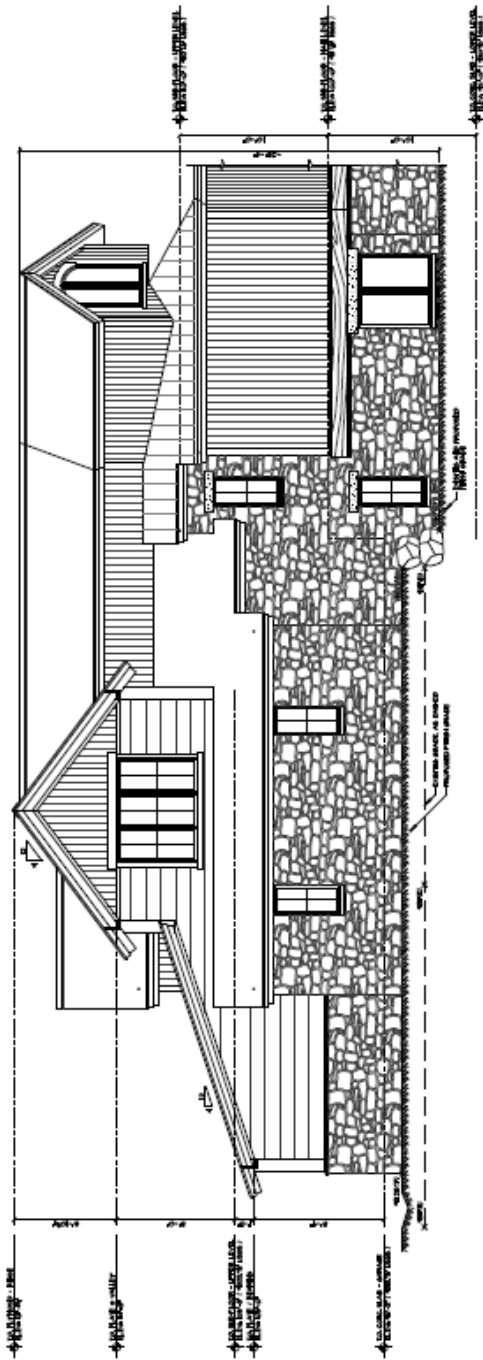
cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.

30. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
31. Applicant shall construct all proposed trails according to the Town of Breckenridge Trail Standards and Guidelines (dated June 12, 2007). All trails disturbed during construction of this project shall be repaired by the Applicant according to the Town of Breckenridge Trail Standards and Guidelines. Prior to any trail work, Applicant shall consult with the Town of Breckenridge Open Space and Trails staff.
32. 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.***

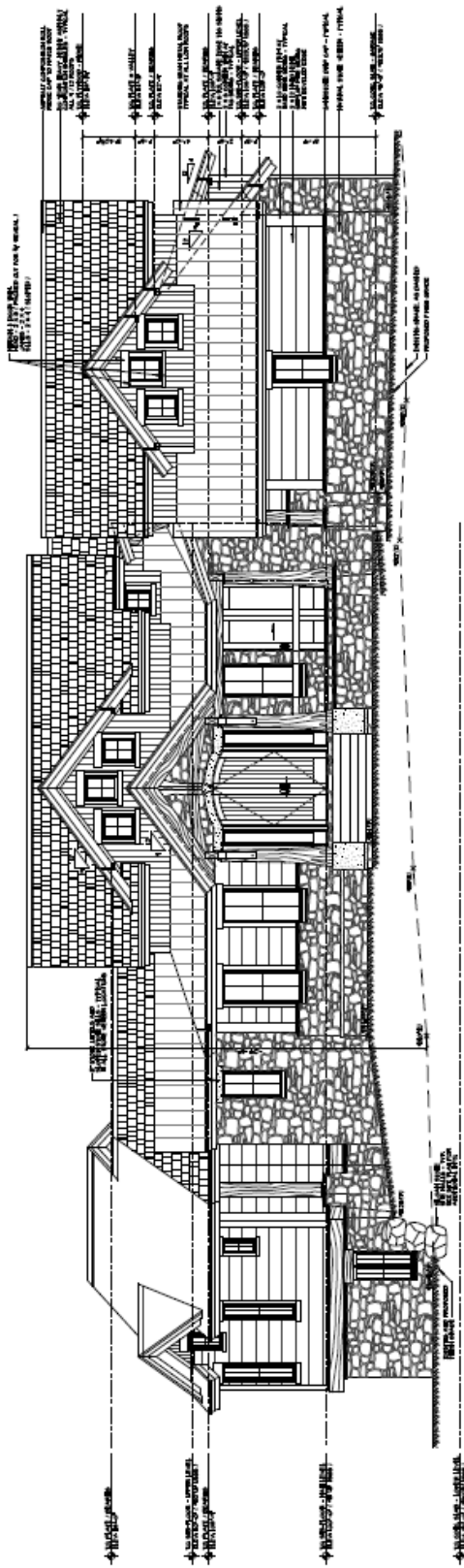
(Initial Here)



1
WEST ELEVATION
SCALE: 1/4" = 1'-0"

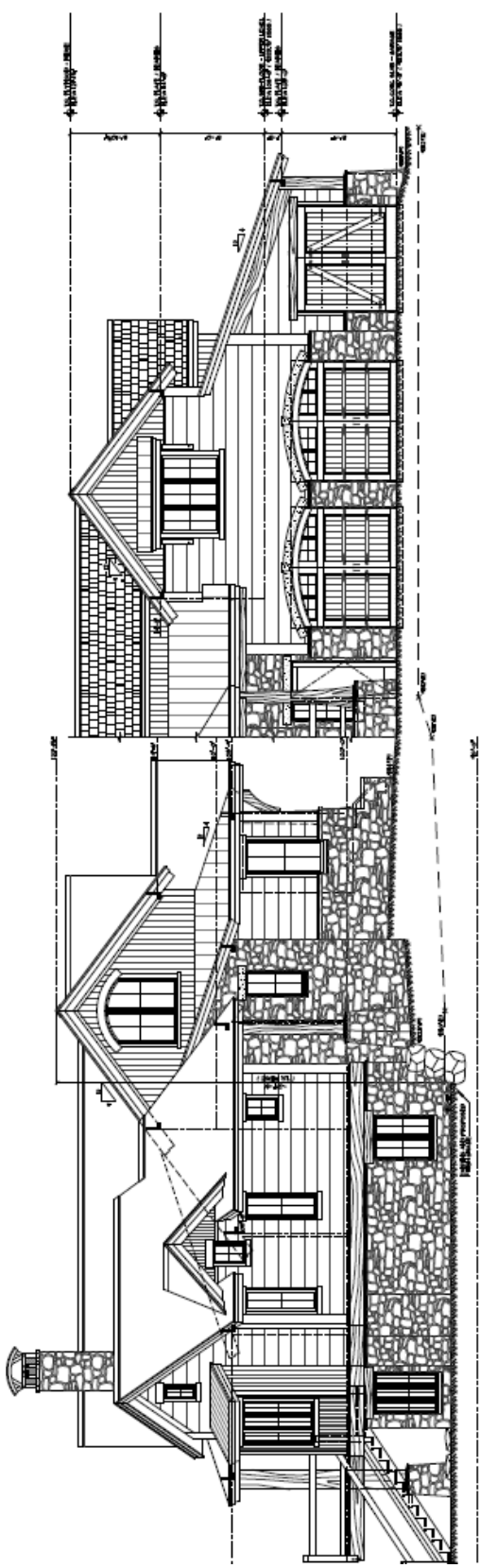


2
NORTH ELEVATION
SCALE: 1/4" = 1'-0"



EAST ELEVATION
SCALE: 1/4" = 1'-0"

ROOF NOTE:
TOTAL ROOF AREA: 4115 S.F. (GROSS)
4115 ROOF AREA



SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



Class C Development

Project Name/PC#: Michaud Residence PC#2010005
Project Manager: Chris Kulick, AICP
Date of Report: January 21, 2010 For the February 2, 2010 Planning Commission Meeting
Applicant/Owner: Scott & Debra Michaud
Agent: Frederico Valdez, III, A.I.A.
Proposed Use: Single-Family
Address: 952 Gold Run Road
Legal Description: Lot 150, Discovery Hill
Site Area: 53,209 sq. ft. 1.22 acres
Land Use District (2A/2R):

Existing Site Conditions: 38: Residential & Recreation
 The lot slopes downhill from east to west at an average of 14%. The site is moderately covered with lodgepole pine trees. An access, utility and drainage easement is located in the southeast corner of the lot. A second utility and drainage easement is located on the northeastern corner of the lot.

Density (3A/3R): Allowed: Unlimited Proposed: 5,990 sq. ft.
Mass (4R): Allowed: Unlimited Proposed: 6,810 sq. ft.
F.A.R.: 1:7.81 FAR
Areas:
Lower Level: 2,872 sq. ft.
Main Level: 3,118 sq. ft.
Upper Level:
Accessory Apartment:
Garage: 820 sq. ft.
Total: 6,810 sq. ft.

Bedrooms: 5
Bathrooms: 5.5
Height (6A/6R): 29 feet overall
 (Max 35' for single family outside Historic District)

Lot Coverage/Open Space (21R):
 Building / non-Permeable: 3,938 sq. ft. 7.40%
 Hard Surface / non-Permeable: 2,947 sq. ft. 5.54%
 Open Space / Permeable: 46,324 sq. ft. 87.06%

Parking (18A/18R):
 Required: 2 spaces
 Proposed: 5 spaces

Snowstack (13A/13R):
 Required: 289 sq. ft. (25% of paved surfaces)
 Proposed: 290 sq. ft. (9.84% of paved surfaces)

Fireplaces (30A/30R): Four - gas fired

Accessory Apartment: None

Building/Disturbance Envelope? Disturbance Envelope

Setbacks (9A/9R):
 Front: Disturbance Envelope

Side: Disturbance Envelope
Side: Disturbance Envelope
Rear: Disturbance Envelope

Architectural Compatibility (5/A & 5/R):
Exterior Materials:

The residence will be compatible with the land use district and surrounding residences.

2"x12" hand hewn heavy timber siding, board & batten siding, cedar trim, heavy timber trusses and natural stone
Composite shingles & non-reflective metal, standing seam roofing
Wood Clad

Roof:
Garage Doors:

Landscaping (22A/22R):

Planting Type	Quantity	Size
Colorado Spruce	10	6 feet tall
Aspen	15	2-2.5 inch caliper - 50% of each and 50% multi-stem
Shrubs and perenials	33	5 Gal.

Drainage (27A/27R):

Positive away from structure.

Driveway Slope:
Covenants:

8 %
Standard landscaping covenant

Point Analysis (Sec. 9-1-17-3):

An informal point analysis was conducted for this proposed residence and no positive or negative points are warranted.

Staff Action:

Staff has approved the Michaud Residence, PC#2010004, located at 0952 Gold Run Road, Lot 150 Discovery Hill, with the standard findings and conditions.

Comments:

Additional Conditions of Approval:

TOWN OF BRECKENRIDGE

Michaud Residence
Lot 150, Discovery Hill
0296 Gold Run Road
PC#2010005

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 **January 21, 2010**, 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 **February 2, 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 **August 9, 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. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
7. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. 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.
10. 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.
11. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

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 and erosion control measures at the 25-foot no-disturbance setback to streams and wetlands in a manner acceptable to the Town Engineer.

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.

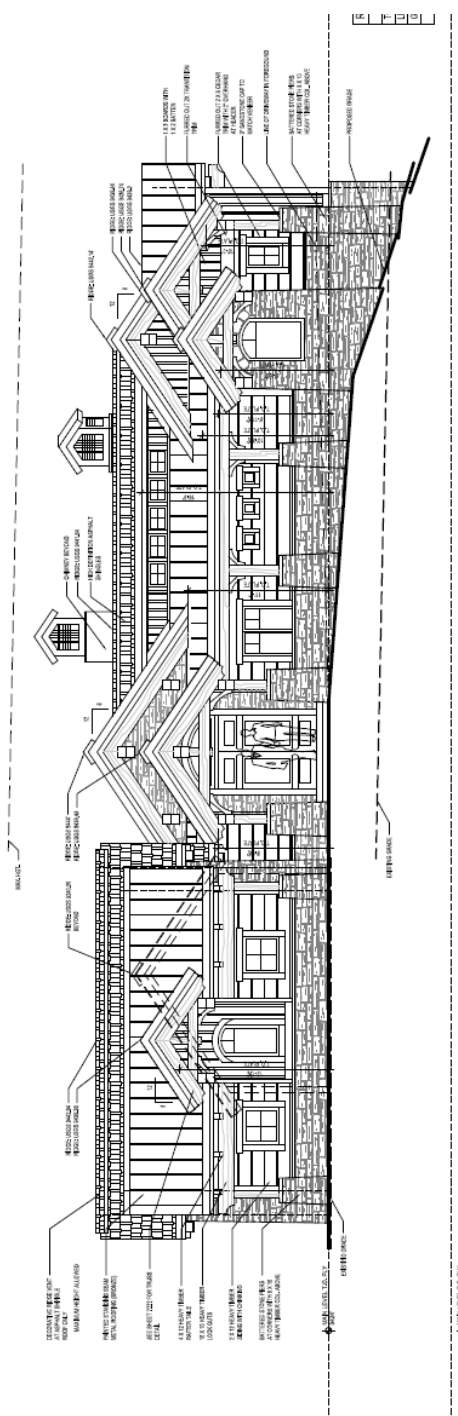
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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**

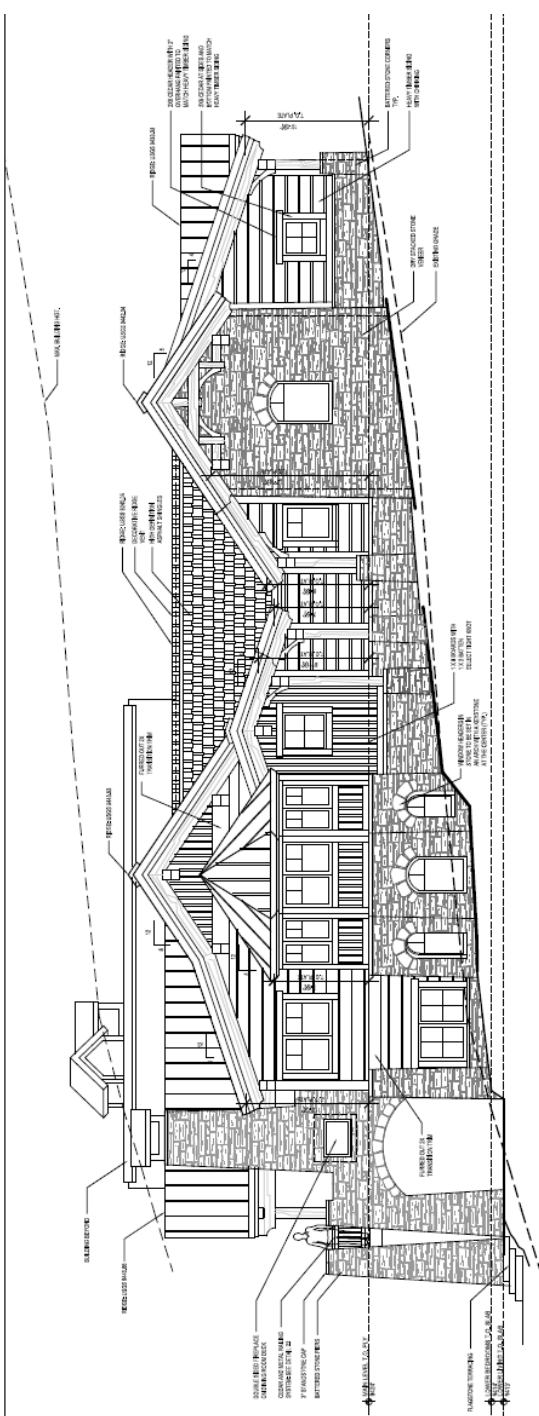
cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.

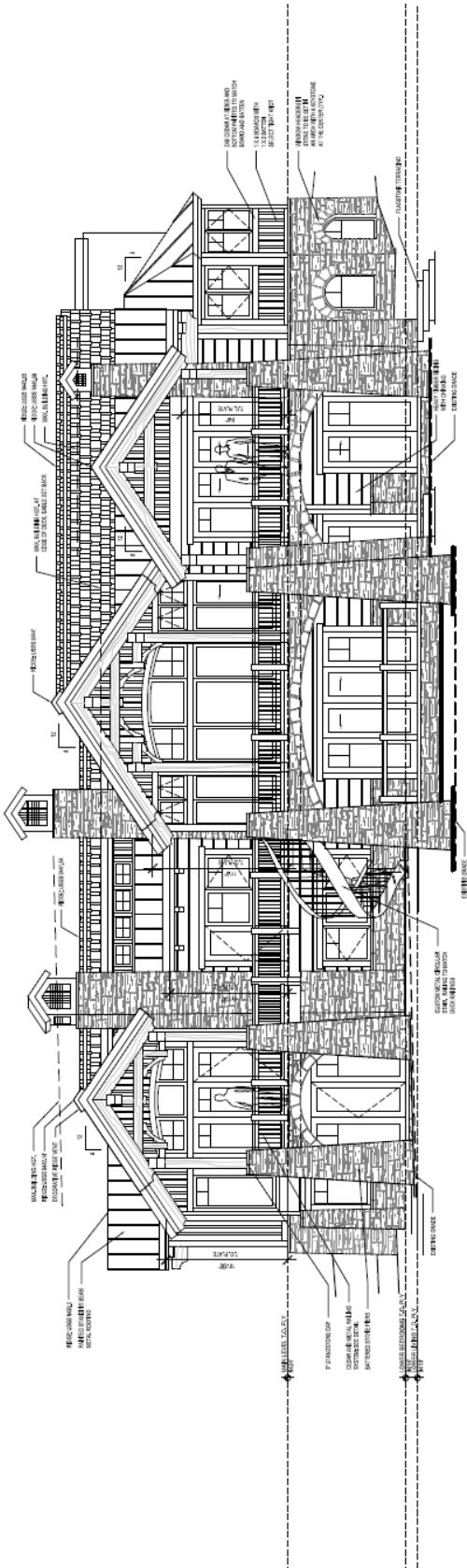
30. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
31. Applicant shall construct all proposed trails according to the Town of Breckenridge Trail Standards and Guidelines (dated June 12, 2007). All trails disturbed during construction of this project shall be repaired by the Applicant according to the Town of Breckenridge Trail Standards and Guidelines. Prior to any trail work, Applicant shall consult with the Town of Breckenridge Open Space and Trails staff.
32. 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)

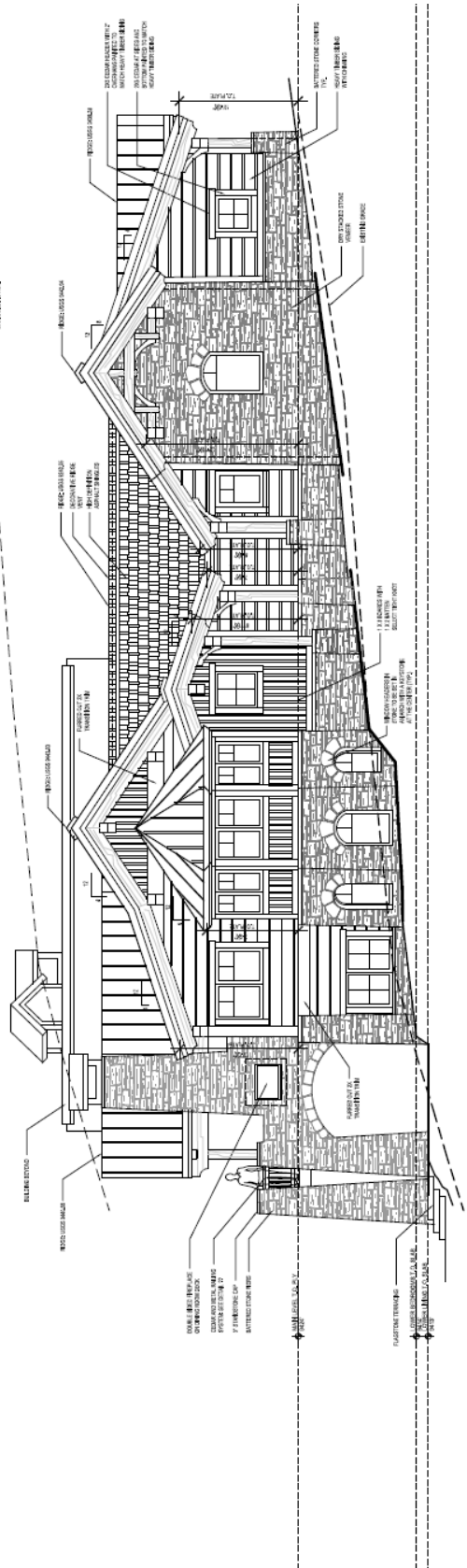


1 EAST ELEVATION
 1/8" SCALE: 1/8" = 1'-0"





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



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

Memo

To: Planning Commission
From: Michael Mosher
Date: January 28, 2010 for meeting of February 2, 2010
Re: Revisions to the (un-adopted) Handbook of Design Standards for the Transition Areas of the Conservation District. *(Memo only - No presentation is scheduled for this meeting)*

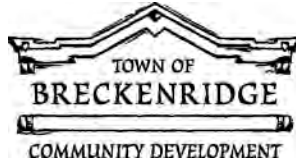
Planning Staff has begun a detailed review of the Handbook of Design Standards for the Transition Areas of the Conservation District which were created in 1994 and are yet to be adopted.

There are 7 Transitions areas:

- #8 - River Park Corridor Transition Area
- #9 - North Main Transition Area
- #10 - Briar Rose Transition Area
- #11 - North End Residential Transition Area
- #12 - East Side Residential Transition Area
- #13 - South End Residential Transition Area
- #14 - South Main Transition Area

During the review of the standards, we have uncovered errors in the map as it related to some area's descriptions, changes in the Town character/Land Use Districts/direction since the standards were drafted, and several minor typing corrections. As a result, we anticipate some of the reviews with the Commission to be simpler than others and anticipate presenting the review of the standards over several meetings.

We anticipate presenting the standards for the #9 - North Main Transition Area, #11 - North End Residential Transition Area, and the #12 - East Side Residential Transition Area for review and comment at the next Planning Commission meeting.



Memo

To: Planning Commission
From: Jennifer Cram, AICP
Date: January 15, 2010
Subject: **Landscaping Policy 22 Changes**

Staff has combined the Commission's recommended changes to the absolute and relative policies for Policy 22 – Landscaping. We would like to walk through the entire policy during the worksession.

We have a few general questions for the Commission to consider.

- Under Absolute Policy A2, does the Commission believe that a deposit should be secured to guarantee weed free topsoil? This may be cumbersome for staff to administer.
- Under Absolute Policy B4, does the Commission believe that the screening requirements should apply between commercial projects as well?
- Under Absolute Policy B5, the existing language references requiring irrigation. Does the Commission believe that irrigation should be mandatory? Former discussions with the Commission were uncertain.

At the last worksession we discussed whether or not negative points should be awarded with the minimum standards proposed in the absolute Ordinance. We understand that the Commission did not think that it was necessary. However, in an attempt to keep the Development Code flexible, we would like to discuss the possibility again. In particular, we want to make sure that the point analyses for single family residences are meaningful. Some possible proposals that would warrant negative points may include little or no landscaping efforts, use of exotic species, unscreened views, use of surface irrigation where drip is more appropriate, etc.

Staff will have a definition of screening and a sketch for the meeting. We will also have examples of bioswales and permeable paving.

We look forward to reviewing Policy 22 with the Commission and getting feedback to move the updates to Policy 22 forward. A copy of the minutes from the January 19, 2010, meeting have been attached for your review.

Minutes from the January 19, 2010 meeting

Landscape Policy (JC)

Ms. Cram presented. The Planning Commission last reviewed proposed changes to the Relative Landscaping Policy on October 20, 2009. A draft of additional proposed changes based on Planning Commission input and staff consideration of the primary goals for new landscaping was presented in the packet. Staff requested the Commission keep in mind that, as proposed, the new Absolute requirements that were discussed in September included the removal of dead and diseased trees, basic forest health requirements and minimal landscaping/screening requirements as ground zero.

- During review of the relative policy, Staff asked the Commission to consider whether it would make sense to have absolute minimum requirements for landscaping or have the opportunity to assign negative points. Staff believed that the absolute minimum requirements will help to raise the bar for better landscape plans and will be easier to administer in the future. However, Staff requested Commission input.

Some of the highlights of the changes included new language that gives greater emphasis to the preservation of natural landscape areas and wildlife habitat, utilization of native plantings, the inclusion of xeriscape plantings, use of bio-swales and permeable paving. In addition, Staff has taken another try at developing some examples for the award of positive two (+2) up to positive six (+6) points.

Commissioner Questions/Comments:

Ms. Girvin: I think you have done a really nice job of stating the goals. I was thinking of situations where you might want to apply negative points for landscaping, and the one situation is if a lot of the site is disturbed, but that should be covered under site disturbance. Did we determine whether our water rights allow us to use gray water? (Mr. Neubecker: Yes, we determined our water rights are fully consumptive, therefore we are allowed to recycle and use gray water.) Regarding the proposed points, what is Zone 1? (Ms. Cram: It relates back to the absolute policy and defensible space.) One thing that stands out for positive six (+6) points, I think that the word “complete” in reference to screening of the site sounds unattainable. I think the word “significant” or “substantial” might be more appropriate.

Mr. Bertaux: One comment is under number 6 under irrigation systems, the language says “irrigation systems that are sustainable are strongly encouraged” and I think we should add “and should be maintained”. The maintenance of the landscaping is critical and irrigation helps to achieve this, especially in a drought year. What is “sustainable” irrigation? (Ms. Cram: The absolute policy includes maintenance. Low flow, drip irrigation and gray water are methods to achieve sustainable irrigation. This can be defined.) Regarding number 13, I tend to think it should be absolute. The example that comes to mind is a lot that has been scraped. Who decides what disturbed area needs to be “softened”? (Ms. Cram: If it is absolute then staff would bring it up in the report. This will run really close with site disturbance. (Mr. Schroeder:

What if a tree was removed right next to the house, would they have to replace the tree?) (Ms. Cram: We wouldn't require that because of the new defensible space requirement. I think this is covered in other policies.) Buffering the offsite views, if the architecture is good it might not want to be buffered. It seems subjective. Maybe you don't need this language? I would support that. (Mr. Pringle: The key phrase is "beyond the absolute policy" and if that isn't enough maybe we should ask them to do more as an absolute.) (Ms. Cram: Staff will look at this one further and see if other policies cover the goal.)

Mr. Pringle: Is the use of bio-swales the same as the use of a berm? (Ms. Cram: No. A bio-swale collects storm water, filters the water and while providing water for the landscape.) Like a detention pond? (Mr. Rossi: Detention ponds are more collection areas, not filter areas.) (Mr. Lamb: It puts water back into the system.) (Ms. Girvin: It also is more natural. Some pictures would be really helpful.) Is there a better descriptive word than "permeable paving"? The word paving is confusing. (Ms. Cram: We will bring you some more examples of bio-swales and permeable paving. Paving allows us to not conflict with the existing parking code. It also would apply to pedestrian surfaces.) Do we want to look at your landscaping plan from a perspective of maturity or at installation? (Ms. Cram: You will look at it from a perspective of maturity.) (Ms. Girvin: I think that looking at mature plants is good in plans, but there should be some kind of wiggle room for slower growing trees.)

Mr. Schroder: I like the language that is presented in the goals and that staff established a "ground zero". I think that on old number 5 the answer should be yes, an absolute. (Ms. Cram: The fire wise task force also agrees that defensible space should be absolute for new construction.) Is the new number 8 going to get blocked because it isn't new construction? I agree with the policy. (Mr. Neubecker: Nothing in this policy would preclude them just because it isn't new development.) Would gravel suffice? (Ms. Cram: No, this allows for people to use surfaces other than solid asphalt or concrete.) I think the 2, 4, 6 point system looks good. I think that visuals would be a great guide.

Mr. Lamb: For the "ground zero" I think that the very minimum is already there in the code. (Ms. Cram: In addition to that we are looking at removal of dead and diseased trees.) The challenge is that we are writing one policy for all areas of the town and all sites. I agree with Ms. Girvin regarding the "screening" terminology for the 6 positive points.

Mr. Truckey: Why aren't we requiring drip irrigation? (Ms. Girvin: We can't drip irrigate a lawn.) (Ms. Cram: There should be flexibility for the property owner.) (Mr. Schroder: We also can't mandate that someone turns on the irrigation, even if it is required.) (Mr. Pringle: Perhaps in a multi-family situation an irrigation system should be required and absolute.)

22. (ABSOLUTE) LANDSCAPING (22/A):

General Statement: The Town hereby finds that it is in the public interest for all developments to maintain healthy trees and to provide landscape improvements for the purposes of: complimenting the natural landscape and retaining the sense of a mountain environment; improving the general appearance of the community and enhancing its aesthetic appeal; preserving the economic base; improving the quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the adverse effects of climate, aspect, and elevations; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving air and water quality.

To ensure that landscaping is provided and maintained, the following requirements for the installation, maintenance, and protection of landscaping areas are required to be met for every project issued a permit under this Chapter:

A. Maintenance:

- (1) All plantings shall be maintained in a healthy and attractive condition. Maintenance shall include, but not be limited to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying, and cultivating.
- (2) All new landscaping shall utilize weed free top soil. (A cash deposit shall be secured to guarantee that all new landscaping is weed free for one year after installation.) *(Is this realistic for staff to manage?)*
- (3) Properties shall be kept free of noxious weeds as designated in the Town's Noxious Weed Management Plan as updated from time to time.
- (3) Landscaping structural features such as fencing, planter boxes, etc., shall be maintained in a sound structural and attractive condition.
- (4) Selective tree cutting/thinning to maintain the health of the tree stand and to allow for greater species diversity is appropriate, provided that effective screening is maintained to protect view sheds, blend the development into the site and provide privacy between properties.
- (5) Dead, diseased and Mountain Pine Beetle infested trees shall be cut as close to the ground as possible and removed from the property and disposed of properly on an annual basis.
- (6) Whenever plants are removed or die, they shall be replaced by planting materials as soon as possible that meet the original intent of the approved landscaping design. Mountain Pine Beetle infested trees shall be replaced on a case-by-case basis in a manner to provide effective screening between

properties for privacy and to screen properties from view sheds and public rights of way. Property owners will not be required to replace trees on a per caliper inch basis.

B. Requirements:

- (1) All open industrial or commercial storage areas shall be screened from all public rights of way or adjacent property by use of landscaping, berms, or a combination of landscaping and other structural features to a height of six feet (6') minimum.
- (2) When a parking lot and public right of way are contiguous, a landscaped area a minimum of five feet (5') in width, separating the parking lot from the right of way, and which also effectively screens the lot shall be provided.
- (3) All planting materials proposed for areas also designated as snow stacking areas or anticipated snow shedding areas shall be of a size or type that will not be adversely affected by the proposed snow storage. To the extent possible, new plantings shall not be located in areas proposed for snow storage or snow shedding.
- (4) Any site contiguous to or facing any other residential uses or future residential uses shall screen its parking lots, loading docks, or similar uses through the use of landscaping elements to a height of four feet (4'). (Should this also apply in commercial areas?)
- (5) All surface areas on the approved landscaping plan that will not be a hard surface shall be planted with adequate native or high altitude ground cover as approved by the Town and shall be top-dressed with a minimum of two inches (2") of top soil prior to planting. In addition, irrigation systems shall be provided in those instances where required to guarantee the proper growth of the landscaping being provided.
- (6) Revegetation measures, including but not limited to, seeding with native or high altitude seed mixtures, biodegradable netting, straw, mulching and irrigation to establish plantings on cut/fill slopes is required. Cut and fill slopes intended for plantings shall not exceed a 2:1 gradient. Retaining walls shall be required for all gradients greater than 2:1.
- (7) Not less than six percent (6%) of the interior areas of all parking lots and drive-in establishments shall be placed in landscaping.
- (8) Wheel retention devices shall be utilized for parking areas to protect landscaping. Flexibility in the design of wheel retention devices will be reviewed on a case by case basis to allow for positive drainage and so as not to interfere with snow removal operations.

- (9) At least fifty percent (50%) of all tree stock shall be of a size equal to or greater than six feet (6') in height for evergreen trees and one and one-half inches (1 ½") caliper for deciduous trees, measured six inches (6") above ground level. Said tree shall be in a minimum of five (5) gallon containers, if container stock; or a minimum of twelve inch (12") root spread, if bare root stock; or a minimum of fourteen inch (14") ball diameter if balled and burlapped with the ball depth not less than seventy five percent (75%) of diameter or three-quarters (³/₄) of width. Size adjustments which reflect the growth habits of particular species may be made at the discretion of the Town.
- (10) At least fifty percent (50%) of all shrub stock shall be of a size equal to or greater than Type 2, four (4) cans or more, two feet (2') and up, if deciduous; Type 1, twelve inch (12") spread, if creeping or prostrate evergreens; or Type 2, twelve inch (12") spread and height, if semi-spreading evergreens. Size adjustments which reflect the growth habits of a particular species may be made at the discretion of the Town.
- (11) All plant materials shall be specified and provided according to the American Standard for Nursery Stock and adapted to a high altitude environment, or an elevation appropriate for the site. Additional information beyond the minimum requirements stated therein which provide a more definitive indication of size, quality, shape, confirmation, condition, and/or the method of transplanting is encouraged.
- (12) Large trees shall be staked as per American Nursery Standards. (Ord. 19, Series 1988)

C. Wildfire Mitigation:

The creation of defensible space around structures is required for all new construction, additions greater than 10% of existing square footage, and major remodels. All Properties shall be divided into three zones. Properties will be reviewed on a case-by-case basis. Properties within the Conservation District and those properties within a Master Plan with smaller setbacks shall be given special consideration to allow for site buffers and screening to be maintained and created while still meeting the intent of reducing fuels for wildfire mitigation.

- (1) Zone One
 - (a) Zone One shall extend 30-feet from the eave of the structure or deck.
 - (b) All flammable vegetation shall be removed within Zone One except that specimen trees with a minimum of ten feet (10') between the crowns of other vegetation may remain. Specimen trees in close proximity to a structure may be considered part of the structure for measurement purposes.
 - (c) Stone or other noncombustible materials with a weed barrier shall be placed

under all decks or structure projections such as bay windows.

- (d) Fire-wise landscaping may be planted within Zone One 15 –feet away from the edge of all eaves or decks. All fire-wise landscaping planted within Zone One shall be maintained in drip irrigated planting beds. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All grasses within Zone One shall be maintained under six inches (6") in height. For landscape plans that propose taller growing native grasses or wild flowers, these plantings shall be cut back annually in the fall after the plantings have gone to seed.
- (f) All fire-wise trees within Zone One shall be pruned annually to remove all dead branches a minimum of six-feet (6') above ground level.

(2) Zone Two

- (a) Zone Two shall be measured 75 feet up to 125 feet (depending on slope) from the eave of a structure or deck.
- (b) All dead and diseased trees shall be removed within Zone Two.
- (c) All dead trees and branches on the ground shall be removed. Leaf and needle clutter shall not exceed three inches in depth.
- (d) New landscaping may be planted to create site buffers and screening. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All trees shall be pruned annually to remove all dead branches a minimum of six-feet (6') above ground level.

(3) Zone Three

- (a) Zone Three shall be measured from the edge of Zone Two to the property line.
- (b) All dead and diseased trees shall be removed within Zone Three. **A minimum of one dead tree per acre may remain on site for wildlife habitat provided that a minimum of ten feet (10') is maintained between the dead tree and the crowns of living trees.**
- (c) All dead trees and branches on the ground shall be removed. Leaf and needle clutter shall not exceed three inches in depth.
- (d) New landscaping may be planted to create site buffers. New plantings shall maintain a minimum of ten feet (10') between the crown spacing of individual or groupings of trees at maturity.
- (e) All trees shall be pruned annually to remove all dead branches a minimum of six-feet above ground level.

D. Water Features

- (1) Water features shall meet all required setbacks for structures and shall not be permitted outside of disturbance envelopes, nor shall they be permitted when

the construction of said feature results in the removal of existing trees that provide required site buffers.

- (2) The use of Glycol or other anti-freezing additives within water features is prohibited.
- (3) Water features that are proposed for year round use may receive negative points under Policy 33 – Energy Conservation.

22. (RELATIVE) LANDSCAPING (22/R):

A. All developments are strongly encouraged to make landscaping improvements which exceed the requirements outlined in the absolute policy. New landscaping should enhance forest health, preserve the natural landscape and wildlife habitat and support fire-wise practices. A layered landscape through the use of ground covers, shrubs and trees that utilize diverse species and larger sizes where structures are screened from view sheds, public rights of way and other structures are strongly encouraged. The resulting landscape plan should contribute to a more beautiful, safe, and environmentally sound community. To meet this goal, all projects will be evaluated on how well they implement the following suggested criteria:

- (1) It is encouraged that at least one tree a minimum of eight-feet (8') in height, or three inch (3") caliper be planted at least every fifteen feet (15') along public rights of way.
- (2) It is encouraged that all landscaping areas have a minimum dimension of ten feet (10').
- (3) Development applications are encouraged to identify and preserve specimen trees, significant tree stands, tree clusters and other existing vegetation that contribute to wildlife habitat. Trees considered as highest priority for preservation are those that are disease-free, have a full form, and are effective in softening building heights and creating natural buffers between structures and public rights of way. Buildings shall be placed in locations that result in adequate setbacks to preserve these specimen trees and existing vegetation. Measures shall be taken to prevent site work around these areas. Applicants are encouraged to seek professional advice on these issues from experts in the field.
- (4) It is encouraged that the landscaping materials utilized are those species that are native to Breckenridge, or appropriate for the high altitude environment found in Breckenridge. The Town of Breckenridge Landscaping Guide shall be used to evaluate those particular criteria.
- (5) It is encouraged that the landscaping materials utilized are those species that need little additional water to survive, or that the applicants provide for an irrigation system that is based on low flows or the recycling of water. In general, native species are the most drought tolerant after establishment. Xeriscaping with native species is encouraged.

- (6) Installation, use and maintenance of irrigation systems to ensure survival of landscaping in the long-term is strongly encouraged until plant material is established. Irrigation systems that utilize low flow systems and the recycling of water are strongly encouraged. All irrigation systems should be maintained on an annual basis.
- (7) The use of bioswales planted with native vegetation that can filter and absorb surface water runoff from impervious surfaces to promote water quality is encouraged.
- (8) The use of permeable paving in low traffic areas, to allow precipitation to percolate through areas that would traditionally be impervious, is encouraged.
- (9) It is encouraged that plant materials be provided in sufficient quantity, of acceptable species, and placed in such arrangement so as to create a landscape which is appropriate to the Breckenridge setting and which subscribes to the Historic District Guidelines as appropriate.
- (10) It is encouraged that the remaining fifty percent (50%) of the tree stock include a variety of larger sizes ranging up to the largest sizes for each species which are possible according to accepted landscaping practices at maturity which recognize the Breckenridge high altitude environment, transplant feasibility, and plant material availability. Interrelationships of height, caliper, container size and shape shall be in general compliance with the American Standard for Nursery Stock. 50% of all deciduous trees should be multi-stem.
- (11) It is encouraged that landscaping be provided in a sufficient variety of species to ensure the continued appeal of a project in those instances where a particular species is killed through disease. Native species are preferred.
- (12) It is encouraged that at least fifty percent (50%) of the area of a project that is not being utilized for buildings or other impervious surfaces shall be kept in a natural/undisturbed state. Native grasses, wild flowers and native shrubs are desirable features to maintain.
- (13) In all areas where grading and tree removal is a concern, planting of new landscaping materials beyond the requirements of absolute policy 22 "Landscaping" of this policy is strongly encouraged. New trees and landscaping should be concentrated where they will have the greatest effect on softening disturbed areas and buffering off site views of the property. (Ord. 19, Series 1995)

Positive points will be awarded according to the following point schedule for new landscaping proposals, in direct relation to the scope of the project, subject to approval by the Planning Commission:

+2: Proposals that provide some public benefit. Examples include: the preservation of a specimen tree/s as a result of a new building footprint configuration to preserve the tree/s; preservation of groupings of existing healthy trees that provide wildlife habitat; preservation of native ground covers and shrubs significant to the size of the site; xeriscape planting beds; the planting of trees that are of larger sizes a minimum of 2.5” caliper for deciduous trees and eight feet (8’) for evergreen trees; utilizing a variety of species and the layering of ground covers, shrubs and trees that enhance screening and assist in breaking up use areas and creating privacy. In general plantings are located within Zone One (as defined) on the site.

+4: Proposals that provide above average landscaping plans. Examples include: all those noted above in addition to the planting of trees that are of larger sizes a minimum of 3” caliper for deciduous trees and ten feet (10’) for evergreen trees; utilizing a variety of species and the layering of ground covers, shrubs and trees that enhance screening and assist in breaking up use areas and creating privacy 50% of all new planting should be native to Breckenridge and the remaining 50% should be adapted to a high altitude environment. In general plantings are located within Zones One and Two (as defined) on the site.

+6: Proposals that that provide significant public benefit through exceptional landscape plans. Examples include: all those noted above and the planting of deciduous and evergreen trees that are a combination of the minimum sizes noted under positive four points (+4) and the largest possible for their species; the planting of the most landscaping possible on the site at maturity; utilizing a variety of species and the layering of ground covers, shrubs and trees to break up use areas, create privacy and provide a substantial screening of the site; 75% of all new plantings should be native to Breckenridge and the remaining 25% should be adapted to a high altitude environment. In general plantings are located in Zones One, Two and Three (as defined) on site.

¹. Examples set forth in this policy are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section 9-1-17-3 of this title.

Planning Commission Staff Report

Project Manager: Michael Mosher, Planner III

Date: January 28, 2010 (For meeting of February 2, 2010)

Subject: Bradley Residence Historic Renovation and Landmarking (Class B, Preliminary), PC#2010002

Applicant/Owner: Rob and Marilyn Bradley

Agent: Janet Sutterley, Architect

Proposal: To perform a complete exterior restoration of the historic house and include a new full basement beneath the footprint. A new small, historically compliant shed is proposed at the southwest corner of the property. The existing non-historic deck that crosses the west property line is to be removed. A small driveway is proposed to allow the required parking on-site rather than in the Town right of way. 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 (2,428 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 unmaintained historic 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 at 634.5 sq. ft.)

Density Summary:

Lower Level (Landmarked “free”):	634.5 sq. ft.
<u>Main Level:</u>	<u>672.0 sq. ft.</u>
Total	1,306.5 sq. ft.

Mass:	<u>Per the recorded plat</u> , 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 + 133 = 805 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
Snowstack:	Required:	81 sq. ft. (25%)
	Proposed:	81 sq. ft.
Setbacks:	Suggested:	
	Front:	15 ft.
	Sides:	5 ft.
	Rear:	15 ft.
	Front:	15' ft.
	Sides:	3 ft. / 5 ft.
	Rear:	3 ft.

Item History

Planning Commission comments from previous meeting:

Ms. Girvin: Can you please explain the other house next door? How much over density is it? (Mr. Mosher: When the property was re-subdivided, it was determined that the large addition was over density. The north little portion is the historic home. As part of the subdivision, all existing density was "grandfathered" and no more can be added.) It is also important to recognize that this house did come from historic Dillon, a part of our community. (Mr. Pringle: Most of the home isn't being preserved, only a few windows.) The structure is being preserved. I don't disagree with Mr. Pringle, but at the same time I respect the effort that has gone into the project and I think it could contribute to the historic character of the community and respect its historic roots as a house that came from Dillon. I'm okay with the landmarking and adding the basement and ask that the architecture follow the simple historic guidelines, and its original form and function. I am not a fan of heated driveways. I would be proud of a building that was a remodel, rather than razing this structure and building something new. I would rather see this restored.

Mr. Bertaux: It is a result of a couple ordinances regarding density and how it can be added to the basement. I am inclined to see it scraped and build something else there. (Mr. Mosher: This would be very difficult to accomplish as the available density would be reduced by about 1/3 and significant negative points would be incurred.) There's not much historic there. I'd rather see it relocated somewhere else, maybe back to Dillon. It is a great effort, but we seem to be manipulating the system. I agree with what Ms. Katz said; that the house would just get bigger if it was removed and would be out of place. Where is the historic value? (Ms. Sutterley: The historic value of the building.) (Ms. Girvin: Someone actually

hauled it all the way over from Dillon, and then moved it again in town and continued to preserve it. Someone cared enough.) Are wood shingles something we really want? (Mr. Mosher: Yes, historically accurate.) There are some windows for egress on the lower level and a door? (Ms. Sutterley: No doors, just windows to reduce impact.) I'd like to hear more from the town attorney and next set of findings.

Ms. Katz: I appreciate what Mr. Pringle is saying, but I think that we can improve this property and maybe it is even a dangerous property as it exists now. I agree with Mr. Mosher that if we manipulate the density or other policy areas of the code it is much more compromising than the landmarking ordinance that we are dealing with in this situation. We could end up with a much larger home on the lot.

Mr. Pringle: Exterior siding will not be saved, will it? Windows? What will be saved? (Ms. Sutterley: Historic windows yes, siding no, none is historic (T-111 paneling). The interior walls will be saved.) It is a building that was not built here, there is no historical significance to the town, but what are we really saving? (Mr. Mosher: The goal is for the property to better contribute to the town character and be made livable. Improve economic viability of the site. If you scrape it the density would be significantly reduced.) Can you buy some density? (Mr. Mosher: The Code does not allow any transfer into the historic district.) Can't we find a way to get them the basement without the historic landmarking? (Mr. Mosher: We can't add any more density to the property because it is so far over already. The best option for a passing proposal is landmarking, and it does meet the criteria.) Could they rebuild this house if there was a fire? (Mr. Mosher: No, due to the notes on the plat.) I am puzzled that we have a property that we can't improve, without compromising our standards. When our processes defeat our purposes, we need to take a look at things. I think there should be a way to accomplish a remodel or a rebuild without having to compromise the landmarking ordinance. (Mr. Mosher: When we come back we can bring draft findings of the process and how it will come together, how it meets the criteria for landmarking, etc.) I think the findings are cleaner with the historic remodel text, not the enhancement to the community.

Mr. Schroder: Are we short one year on the age of the home for historic landmarking? (Mr. Mosher: That is when it was moved from Dillon, the house was built much earlier. There is historic fabric as part of the home and we want to make the house contribute to the historic character of the town.) The guidelines don't have a problem with the fact that it got here in 1961? (Mr. Mosher: No. It was moved from Dillon, similar to the Cooney house on French Street. Several homes in Breckenridge were moved from other areas that are historic.) I hear what Mr. Pringle was saying, but I am comfortable with the description and what remains of the original, and also when it was originally built in Dillon in 1928. Parts of that home are now in Breckenridge. Is there a social historic component? (Mr. Mosher: Social is related to people, and it contributes in the fact that it is a simple form, small footprint, etc. As far as social, nothing.) I would be hopeful that the value of historic structures from anywhere in our County is important; it is the broader community. There may even be more historic fabric that we don't even know about yet this early in the process. I am in favor of moving forward.

Mr. Lamb: Are you just heating the 61 square foot snow storage area? (Ms. Sutterley: I think we could potentially locate it on site, or in a heated area, we aren't sure yet.) What is the total density on the two lots? (Mr. Mosher: I'm not sure, but they are significantly over.) If we allow density, scraping it, or other variances on this site, I am wary of the floodgate it could open to future development. We are being site specific on this site; it is a unique property from 1928 that has been moved several times. (Mr. Mosher: Mr. Berry said that this would

be considered a unique situation.) I like this and think we can make a strong argument that it has a history, and this is our only option to make a house in the historic district fit in and looks pretty good. We are taking the home back to its historic look, which is a good thing. Would the roof load be 100 lbs? (Ms. Sutterley: Yes.)

Mr. Rossi: Do you think it would be helpful to have the town attorney reply to our concerns? (Mr. Mosher: Yes. We didn't do too much detail yet because this is a worksession.) It would help me and the Planning Commission to understand the findings for landmarking. (Ms. Katz: I think that the town attorney should write a letter regarding these findings.)

Changes From the Previous Submittal

- After consulting with the Town Historian, Rebecca Waugh, it has been determined that the current Historic Cultural Inventory Form was in error. The house is actually listed on the National Registry of Historic Places Inventory as “contributing”. This has been corrected by Carl McWilliams, of Cultural Resource Historians. (See attached memo from Rebecca Waugh and revised Historic Cultural Inventory Form)
 - With the Owner’s permission, the interior finishes of the house were removed exposing the existing structure and fabric.
 - Rebecca Waugh visited the property with Staff on January 21st and confirmed that all the existing exterior wall planking and framing in the house and in the shed addition are historic and that the original historic window/door openings are intact and in excellent condition.
- The previous submitted elevations, for the worksession, have been modified to reflect the existing and rehabilitated original openings of the house as all being preserved.
- Staff notes that all of the historic wall planking/framing, openings, roof structure are all to be preserved.
- Staff has met with the Town Attorney regarding the landmarking process. (See attached memo.)

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 little to no improvements to the houses or the yards under her ownership. The two houses originally sat on Lots 1 and 2, Block 10 Abbetts Addition over the original property lines running east to west. 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 *and* the existing density overages are “grandfathered” as legal non-conforming with the recordation of the plat. The plat note on the re-subdivision (penned by the Town Attorney) 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 Town’s current local designation (1991) of the property is “Contributing with Qualifications”. After the proposed restoration the Town Historian suggests this be raised to “Contributing”.

Per the property file:

- Staff has confirmed that the original house was constructed in 1928 in Old Dillon and based on the Colorado Cultural Resource Survey, Architectural Inventory Form.
- The updated assessment and County Records indicate that an addition was added in 1942. Staff believes that the addition in 1942 was the shed portion of the house.
- The house was moved to Breckenridge with the shed addition in 1961, due to the creation of Dillon Dam.
- The house was briefly placed on Main Street Breckenridge in 1961. The Town historian stated that this was common practice to stage buildings here until provisions we made to move the house to another “permanent” property.
- Shortly thereafter, in the early 60’s (July 6th - no year on application) Town records show that the house was moved to its current location. (Staff notes - 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 property file has the paperwork).
- The 1984 modification was adding “new” windows and interior work. (The property file has the paperwork).

Staff Comments

Per the Handbook of Design Standards for the Historic and Conservation Districts:

6.0

RELOCATION OF HISTORIC BUILDINGS

The Town recognizes that moving buildings is a part of the heritage of the community and that some buildings presently considered to be historic may have been moved to their present sites sometime in their history. Because moving buildings is a part of the history of Breckenridge, in some rare cases, a historic building may be considered for relocation to an appropriate setting when certain conditions merit doing so.

There are several historic buildings in Breckenridge that have been moved from outside Town limits, within Town limits and from Dillon in the 60’s.

- Two buildings at McAdoo Corner - the McAbee house (offices for the Continual Hoosier System of Ditches and Tunnels and Reservoirs of Summit County) and the Garvie house (Garvie Liquor Store on Main Street) were move to the site between 1950 to 1966. Both are locally landmarked.
- The Cooney Residence - . The Summit Power Company constructed the residence in the Town of old Dillon circa 1930, and Henry Williams moved the building to its present location sometime in the 1960’s. A number of alterations were made to the structure at that time. The building has been rated a Supporting Structure, and lies within the boundaries of the National Register Historic District and the Conservation District. (not landmarked)
- 303 N. Main St., Williams House & Willoughby Cottage - Relocated on the site.
- Fincher House, 111 North Main Street - In 1976, the building was relocated from Lot 72, on the same side of Main Street, to its present location.
- Gaymon Bungalow/Gaymon Cabin, 309 North Main Street - Since the back portion of the bungalow was built on a Town alley easement, it was relocated to this site in 1988.

- Daniels Excavation Building, 209/211 N. Main Street - . In 1970, S. Wayne Daniels, a local excavator, relocated the building to its present location where he converted it into a garage. It then later served as retail space.
- The Tin Shop - Little is known of the history of this old garage. Staff has researched the Sanborn Maps and has found that the structure was moved to its present location sometime after August 1914. (locally landmarked)
- Bradley Cabin (Assay Office), 330 S. Main Street - In the early 1970s, Bill Reed relocated the cabin from North Main Street to Wellington Avenue, where it stood on blocks until its removal to South Main Street in 1976. That next year, Bob Muessel made modifications to the former home. The building was renovated again in 1984, and it now houses a real estate office.

The proposal:

The attached plans indicate a proposed restoration that would bring the architecture of the house back to how it might have looked when original constructed and 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 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. (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.
7. Create a full basement/foundation (based on approval of landmarking with the landmarking) for additional living space.
8. Build a new detached shed (outbuilding) for storage. (Design Standard 159 and 167)
9. Reside the structure with historic compliant horizontal lap siding 4-4 1/2 exposure. (Priority Policy 165).
10. The roof would be re-sheathed with historic compliant cut wood shingles.
11. The house would be shifted slightly on the lot squaring it up to allow for parking on-site.
12. The house would have substantial permanent electrical, plumbing, and/or mechanical system upgrades.

Staff Comments

Land Use (Policies 2/A & 2/R): The property is located within a LUD that suggests Residential, Single Family, Duplex, Townhome, Multi-Family and Commercial uses. As a single family residence the use abides with the suggested uses. Staff has no concerns.

Density/Intensity (3/A & 3/R)/Mass (4/R): The allowed density (as mentioned above) has been established by the recorded plat. No additional above ground density is proposed. A new shed will use the small amount of remaining mass for this lot.

As part of this application, the applicants are seeking a local landmark designation. With this proposal, a full basement is being proposed as “free” density. Staff notes, that this density is not applied to this policy,

but is still subject to sewer tap fees, Plant Investment Fees (PIFs) and other applicable impacts of density. Staff has no concerns.

Architectural Compatibility (5/A & 5/R): The agent has carefully worked with the Town Historian and Staff to ensure that all applicable design criteria of the Development Code, the Handbook of Design Standards for the Historic and Conservation Districts and the Design Standards for the Historic District Character Area #3: South End Residential have been met.

- The non-historic cementitious paneled siding is to be removed and be replaced with painted natural cedar lap siding with a 4-1/2". All trim details are natural cedar.
- All windows are to be vertically orientated wooden double-hung.
- The primary roof is to be natural wood, historically compliant, cut-shingles. The shed roof is to be self-rusting corrugated metal.
- The doors are 1/2-lite simple wood paneled.
- The modifications keep this house as one-story tall.
- All historic openings are being respected and restored.
- The existing non-historic porch on the north elevation will be removed and the opening framed over. A new main entry porch (determined as missing by Town Historian) is to be replaced per Design Policy 162.
- With Planning and Building Staff approval, the top wall plate is being raised 6-12 inches to allow minimum interior head height and window/door headers to meet code.
- A new shed (Outbuilding) is proposed per Design Policy 176.

The historic roof over the older portion of the house has no ridge beam and the rafters are pulling apart along the ridge. The flatter slope of the roof (about a 6:12) is uncommon in Summit County. This angle is more common on shed additions.

The applicant is proposing to preserve all the historic roof framing material, "sister" in new 2X10 rafters, add a ridge beam (meet applicable building codes for snow loads) and change the slope of the roof to a more historically compatible 10:12 pitch. Typically, roof pitches in Summit County are steeper (up to 12:12) on historic buildings.

This change has been presented to the Town Historian specifically noting the conflict with Priority Policy 69, Preserve the Original Roof Form. Policy 69 states - *Avoid altering the angle of the roof.*

The Town Historian is generally supportive of the change. Staff believes the appearance of the proposed roof pitch better contributes to the historic character of the neighborhood and Staff is supportive of allowing the change. A variance would be processed to address the requirements of Priority Policy 69. Staff asks the Commission if the change in roof angle from less than 3:12 to a 10:12 deters enough from the original character to ask for a variance from this Priority Policy. The shed addition will remain as originally constructed.

Building Height (6/A & 6/R): The suggested building height in this LUD is 23 feet. The existing height is 12'-6" and the proposed height (with the pitch change) is 14'-6". Staff has no concerns.

Site and Environmental Design (7/R): The existing house is proposed to be moved slightly to accommodate the proposed on-site parking spaces. The existing retaining wall will remain (with an

encroachment license agreement provided to the Town). Overall, the site impacts are nominal. Staff has no concerns.

Placement of Structures (9/A & 9/R): The house is being moved about 6-feet to the north to allow a new driveway. It is being placed within the suggested relative setbacks (5-feet) under this policy.

A new shed is proposed at the southwest corner of the lot that only meets the absolute setbacks (3-feet) on two sides. As a result negative six (-6) points are being incurred.

Snow Removal and Storage (13/R): The required snow stacking is being provided. Staff has no concerns.

Parking (18/A & 18/R): The current parking occurs off-site in the Town right of way (occupants get an annual parking permit). The new plan places the parking, except for a 5-foot portion, on the property.

Staff believes that, by reducing the depth of the shed, this encroachment can be avoided. Additionally, Engineering Staff is reluctant to provide an encroachment license agreement to the applicants when there is no hardship present. Engineering has indicated that, at some future date, this area of the ROW could be improved with parking and sidewalk and all current encroachments (the wood retaining wall) will need to be removed. If the parking were allowed to encroach, the loss of the license agreement would mean the shed would have to be rebuilt to accommodate the parking anyway.

We ask that, with the next submittal, the design of the shed be modified to allow the required parking to be placed fully on the property.

Landscaping (22/A & 22/R): A modest landscaping plan will be submitted with the next submittal.

Social Community / Employee Housing (24/A & 24/R): As a single family home, this development is exempt from the requirements of this policy associated with employee housing.

As a historic structure, the restoration and renovation allows for positive points.

E. Historic Preservation And Restoration: The preservation and restoration of historic structures, town designated landmark, federally designated landmark, landmark sites, or cultural landscape districts within the town is a priority. Additional on site preservation and restoration efforts beyond the requirements of the historic district guidelines for historic structures and sites as defined in chapter 11 of this title are strongly encouraged.

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

+9 *On site historic preservation/restoration effort of above average public benefit.
Examples: Restoration/preservation efforts for windows, doors, roofs, siding, foundation, architectural details, substantial permanent electrical, plumbing, and/or mechanical system upgrades, structural stabilization, or restoration of secondary structures, which fall short of bringing the historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style.*

With the existing historic roof framing/ wall framing in such good shape, restoration/renovation includes:

- New historically compliant wooden windows
- New 4 1/2 inch reveal wood siding
- New foundation
- New porch
- Substantial permanent electrical, plumbing, and mechanical system upgrades
- Structural stabilization of roof

As this policy is written, Staff is supportive of awarding positive nine (+9) points for the restoration efforts.

+6 - Silverthorne House: a new concrete foundation with full basement; repair and patch the existing siding and columns as necessary; repair the existing windows and doors to match historic profile; remove non-historic vents and ducts; electric and plumbing upgrades; reinforce roof and floor framing; replace existing concrete porch with wooden porch; replace existing roof with Tamko historic profile asphalt composite shingle. Carriage Barn: Place on a concrete foundation, replace roof framing structure, replace existing metal roof with new corrugated metal roof, paint, patch and repair exterior. North Elevation: Existing historic barn door removed, restore and mount on new sliding metal track. Half light historic profile doors installed behind the sliding metal track. South Elevation: Existing historic barn door removed and mounted on new sliding metal track. Pair of vertically oriented double hung windows installed behind the sliding metal track. Window well for basement level will be partially visible on this elevation. No change to east or west elevation.

+9 - Peters Residence Renewal, Restoration efforts include replacing the roof with a historically compatible roof, new foundation, removing non-sympathetic additions, restoring historic door opening facing Klack Placer, no additional window openings, restoring historic windows, new chinking, repairing logs as needed and replacing the front porch with a more historically compatible porch.

+9 - Blue Front Bakery - Complete restoration of the bakery and the introduction of a larger building at the corner of Lincoln and Ridge Street,

+9 - Theobald Building Renovation, Landmarking and Variance - With the Restoration/preservation of the windows, doors, siding, foundation, architectural details, substantial permanent electrical, plumbing, and/or mechanical system upgrades, structural stabilization, or restoration of secondary structures, which fall short of bringing the historic structure or site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style. The stabilization and restoration of the historic fabric of the shed along with the creation of a new foundation (none exists now).

+6 - Hastings Residence - On site historic preservation/restoration effort of average public benefit. Restoration of two sheds.

+9 - 100 South Harris Street - On site historic preservation/restoration effort of above average public benefit. Restoration/preservation efforts for windows, doors, roofs, siding, foundation, architectural details, substantial permanent electrical, plumbing, and mechanical system upgrades, structural stabilization, or restoration of secondary structures.

+6 - St Mary's Church Rectory Addition and Rehabilitation - New foundation, repair historic windows, replace non-historic windows, replace non-historic doors, replace garage door, remove venting flues, replace damaged siding, re-point chimney, patch and repair trim, and replace asphalt roof.

+10 - Lamb Residence - Restoration of historic residence to include new foundation, restoration of historic siding, historic window openings returned, appropriate new roof, preservation of historic chimney
We welcome any Commissioner comments.

+9 - Daniels Property Redevelopment - On site historic preservation/restoration effort of above average public benefit. - The proposed restoration of the barn includes the restoration and preserving of the windows, doors, roof, siding, foundation, and architectural details. Also, substantial permanent electrical, plumbing, and/or mechanical system upgrades, structural stabilization, are being proposed.

We welcome Commissioner comments.

Utilities Infrastructure (26/A & 26/R; 28/A): All infrastructure and utilities are existing on site. Staff has no concerns.

Drainage (27/A & 27/R): There are no drainage concerns on the property.

Point Analysis (Section: 9-1-17-3): A point analysis will be provided at the next hearing.

Locally Landmarking:

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: (Please see memo from Town Attorney.) We welcome any Commissioner comments.

Staff Summation

This report represents a substantial change from the report for the previous worksession. The official historic status/rating of the building has been corrected to “contributing with qualifications” with the possibility of obtaining a higher rating after the restoration; the National Registry of Historic Places Inventory has rated this building as “contributing”; the condition and quantity of existing historic fabric has been physically verified; and the Town Historian supports locally landmarking the building.

The agent for the applicants has worked closely with staff to accurately restore the historic structure with minimal modifications to the original character.

We have 3 questions for the Planning Commission. We also welcome any additional comments.

1. Does the Commission believe the change in roof angle from less than 3:12 to a 10:12 detracts enough from the original character to process a variance from Priority Policy 69?
2. Would the Commission support awarding positive nine (+9) points for the restoration efforts under Policy 24/R?
3. Would the Commission support locally landmarking this property based on the criteria outline in the memo from the Town Attorney.

The Planning Department recommends this application return for another hearing.

MEMO

TO: Planning Commission

FROM: Tim Berry, Town Attorney

RE: The Criteria For Designating A “Landmark” Under The Town’s Historic Preservation Ordinance

DATE: January 28, 2010

I have been asked to explain the standards that must be met for a property to be designated as a landmark under the Town’s Historic Preservation Ordinance.

A “landmark” is defined by the ordinance as follows:

A designated individual building, structure, object or an integrated group of buildings, structures or objects having a special historical or architectural value. Unless otherwise indicated in this [ordinance], the term “landmark” shall include both federally-designated landmarks and Town-designated landmarks.

Thus, under the Town’s ordinance the fundamental focus of the designation process is to try to determine if the proposed landmark has a “special historical or architectural value.”

The ordinance contains specific criteria that are to be used to determine whether a proposed landmark has the required special historical or architectural value. To be designated as a landmark, the property must: (1) meet a minimum age requirement; (2) have something special about either its architecture, social significance, or its geographical/environmental importance as defined in the ordinance; and (3) be evaluated for its “physical integrity” against specific standards described in the ordinance.

Specifically, in order to be designated as a landmark under the ordinance it must be shown that:

1. The property is at least 50 years old.¹
2. The property satisfies **at least one** of the following qualifications:

Architectural Criteria

- A. The proposed landmark exemplifies specific elements of architectural style or period.

¹ A proposed landmark may be exempted from the age requirement if it is found to be exceptionally important in other significant criteria.

- B. The proposed landmark is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally.
- C. The proposed landmark demonstrates superior craftsmanship or high artistic value.
- D. The proposed landmark represents an innovation in construction, materials or design.
- E. The proposed landmark is of a style particularly associated with the Breckenridge area.
- F. The proposed landmark represents a built environment of a group of people in an era of history.
- G. The proposed landmark includes a pattern or grouping of elements representing at least one of the above criteria.
- H. The proposed landmark is a significant historic remodel.

-OR-

Social Criteria

- A. The proposed landmark is a site of an historic event that had an effect upon society.
- B. The proposed landmark exemplifies cultural, political, economic or social heritage of the community.
- C. The proposed landmark is associated with a notable person or the work of a notable person.

-OR-

Geographic/Environmental Criteria

- A. The proposed landmark enhances sense of identity of the community.
 - B. The proposed landmark is an established and familiar natural setting or visual feature of the community.
3. The proposed landmark must also be evaluated for its physical integrity using the following criteria (a property need not meet all of the following criteria):

- A. The proposed landmark shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation.
- B. The proposed landmark retains original design features, materials and/or character.
- C. The structure is on its original location or is in the same historic context after having been moved.
- D. The structure has been accurately reconstructed or restored based on documentation.

The landmark designation criteria can be thought of a “Chinese Menu.” I have suggested a “menu” for your consideration on the attached Exhibit. To be designated as a landmark the property must: (1) satisfy the sole requirement of Column A; (2) satisfy at least one of the requirements of Column B; and (3) also satisfy at least one of the requirements of Column C.

The Town’s Historic Preservation Ordinance acknowledges the distinction between a “federally-designated landmark” and a “Town-designated landmark.” Simply stated, a federally-designated landmark must meet the applicable federal landmarking standards, whereas a Town-designated landmark need only meet the standards in the Town’s Historic Preservation Ordinance. The two designations are different, and there is no reason why a property cannot properly be designated as a landmark under the Town’s ordinance, even though it may not meet the applicable federal landmarking standards. In fact, I believe the Town has designated property as a local landmark even though it does not qualify under the federal landmarking standards.

Under the Historic Preservation Ordinance a landmark is formally designated by the Council’s adoption of a special ordinance. The determination as to whether a property qualifies as a landmark is made by the Council as part of its consideration of the special ordinance. However, the Council always seeks the Commission’s recommendation as to whether a proposed landmark should be designated and, if so, under which of the criteria set forth in Historic Preservation Ordinance. Similarly, if the Commission recommends that a property not be designated as a landmark I’m sure the Council would like to know why such a recommendation is made.

I hope this memo is helpful. If you have any questions, please contact me.

COLUMN "A"	COLUMN "B"	COLUMN "C"
<p>The property must be at least 50 years old.</p>	<p>The proposed landmark must meet at least <u>ONE</u> of the following 13 criteria:</p> <p>ARCHITECTURAL IMPORTANCE</p> <ol style="list-style-type: none"> 1. The property exemplifies specific elements of architectural style or period. 2. The property is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally. 3. The property demonstrates superior craftsmanship or high artistic value 4. The property represents an innovation in construction, materials or design. 5. The property is of a style particularly associated with the Breckenridge area. 6. The property represents a built environment of a group of people in an era of history. 7. The property includes a pattern or grouping of elements representing at least one of the above criteria. 8. The property is a significant historic remodel. 	<p>The proposed landmark must meet at least <u>ONE</u> of the following 4 criteria:</p> <ol style="list-style-type: none"> 1. The property shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation. 2. The property retains original design features, materials and/or character. 3. The structure is on its original location or is in the same historic context after having been moved. 4. The structure has been accurately reconstructed or restored based on documentation.

SOCIAL IMPORTANCE

9. The property is a site of an historic event that had an effect upon society.

10. The property exemplifies cultural, political, economic or social heritage of the community.

11. The property is associated with a notable person or the work of a notable person.

GEOGRAPHIC/ENVIRONMENTAL IMPORTANCE

12. The property enhances sense of identity of the community.

13. The property is an established and familiar natural setting or visual feature of the community

MEMORANDUM

TO: Michael Mosher, Planner III
FROM: Rebecca Waugh
DATE: Wednesday, January 27, 2010
SUBJECT: 213 East Washington Avenue

I would like to offer my opinion on the proposed rehabilitation of the building at 213 East Washington Avenue, in Breckenridge, Colorado. Although the fate of this single-family home may be in jeopardy, there is great potential for its rehabilitation. First, it has been verified through the *National Register of Historic Places Inventory* that this is a “contributing” structure to the Breckenridge Historic District and, therefore, eligible for Colorado State Rehabilitation Tax Credits. Second, physical evidence inside the cottage shows that 100% of its historic walls are intact. (According to the National Park Service’s *Secretary of Interior’s Standards for Rehabilitation*, only 75% of the original walls need to remain intact to constitute a historic building.) Also, the historic window openings are visible when viewed from the structure’s interior.

After some investigation, it is apparent the building’s original front entry was reoriented to face French Street when it was placed on its current site. These historic façade features were then covered-up with modern materials. In 1999, the Colorado Historical Society’s Office of Archaeology and Historic Preservation (OAHP) confirmed, during “plan review” discussions regarding the Cooney Residence at 419 South French Street, that formally listed historic buildings relocated from Old Dillon are a part of the evolution of Breckenridge’s history and, therefore, “contribute” to the Breckenridge Historic District. It was also noted by OAHP that it would take an “act of Congress” to remove the structure from the official *National Register of Historic Places Inventory*. As a result, the Cooney Residence was successfully designated a local historic landmark and rehabilitated. Carl McWilliams, Cultural Resource Historians, was unaware of this opinion by the State when he completed the most recent inventory of this property and initially determined that it was “noncontributing” to the National Register District because it was moved from Old Dillon. With this clarification from OAHP, Carl has revised the site’s inventory form to say the structure “contributes” to the Breckenridge Historic District. There are several buildings located in the District from Old Dillon and various other Summit County locations, including Hoosier Pass.

Out of respect for this building’s history and their own love for historic preservation, the new owners and the proposed project’s architect are united in their commitment to restore the original façade and existing historic fabric to the cottage. Wherever possible, they will retain what they can, including preserving original walls and restoring original door and window openings. More, specifically, they will replace the outdoor clapboard siding; upgrade the roof to meet current building code standards; and restore the cut-wood roofing shingles, the original front facade, and seven double-hung windows. If approved, this proposed project will add to the context of the Breckenridge Historic District; keep the cottage sympathetic to its historic, architecturally-significant neighbors; and raise the local rating of the building from “contributing with qualifications” to “contributing.” Finally, preserving this cultural resource will help to protect the National Register landmark status of the Breckenridge Historic District, which requires that the District boasts more historic buildings than modern buildings.

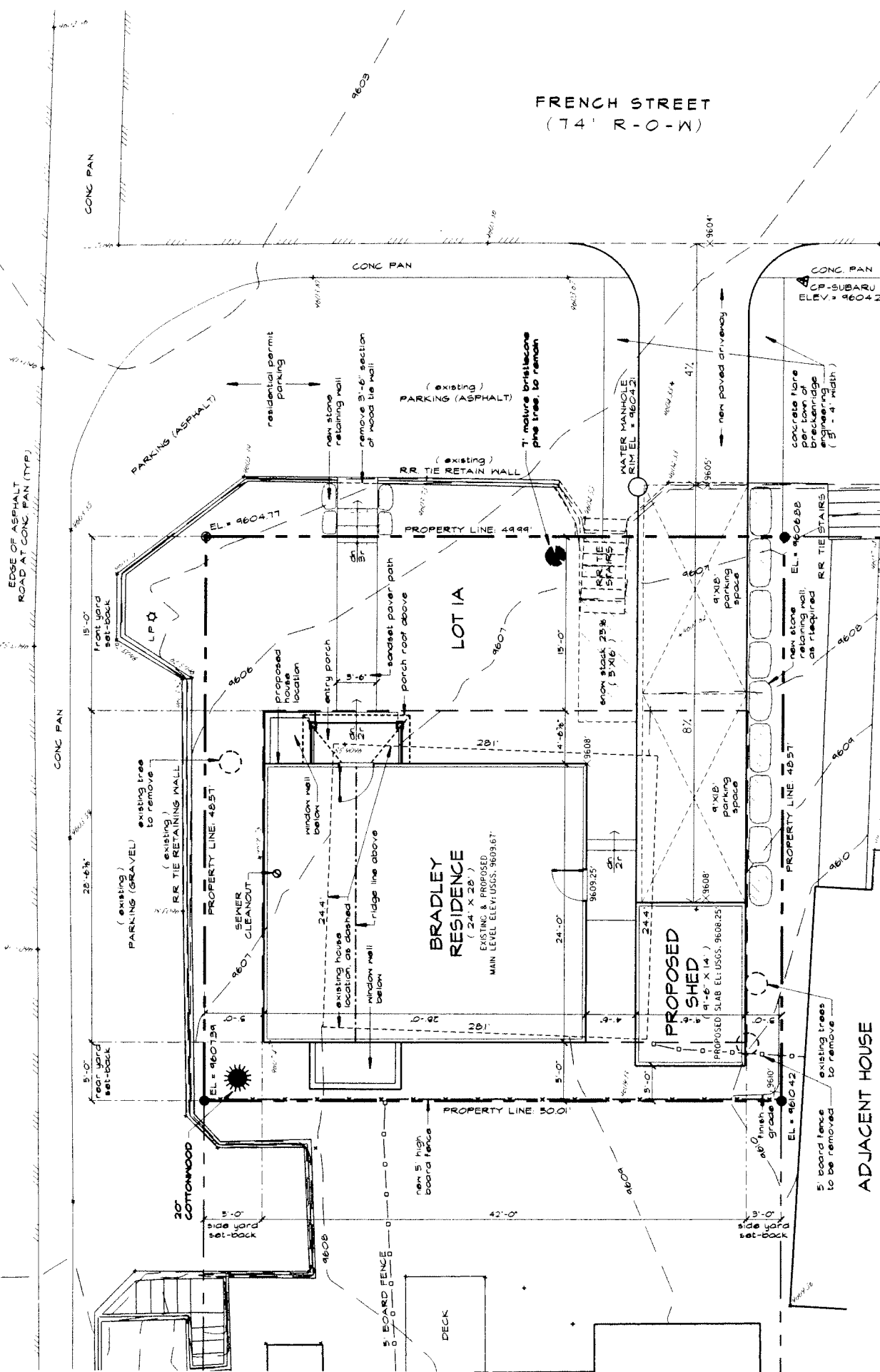
MEMORANDUM

TO: Michael Mosher, Planner III
FROM: Rebecca Waugh
DATE: Wednesday, January 29, 2010
SUBJECT: 213 East Washington Avenue

Carl is a private consultant and this is his opinion that the building at 213 East Washington Avenue does not qualify as a local landmark. However, it has been argued and won that the only person that can truly determine "eligibility" for an official historic cultural resource in the United States of America is the Keeper of the National Register in Washington, D.C. That person's opinion is then endorsed by Congress.

While I appreciate Mr. McWilliams' opinion, I also have an opinion, as do others. And, it is a fact that this building has been officially designated as a contributing structure to the Breckenridge Historic District, which has been listed on the National Register of Historic Places by an act of Congress. Consequently, the Town of Breckenridge has based its historic preservation ordinances on this group of contributing structures that are listed on the National Register of Historic Places. The building located at 213 East Washington Avenue is one of them.

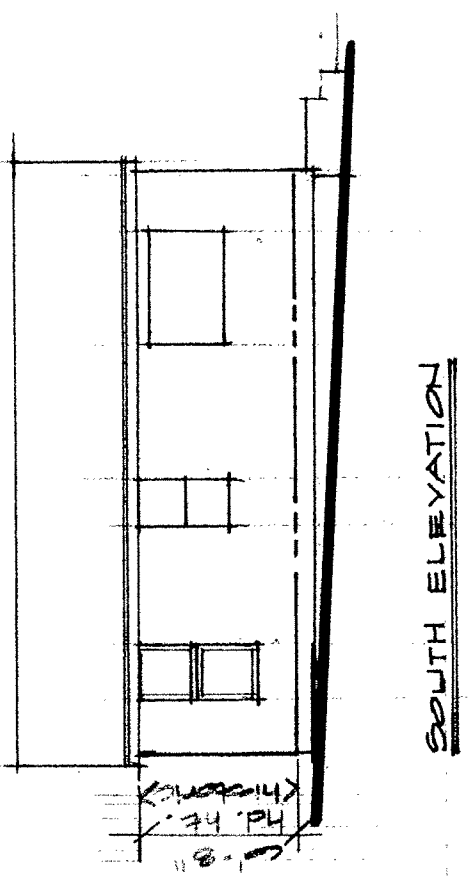
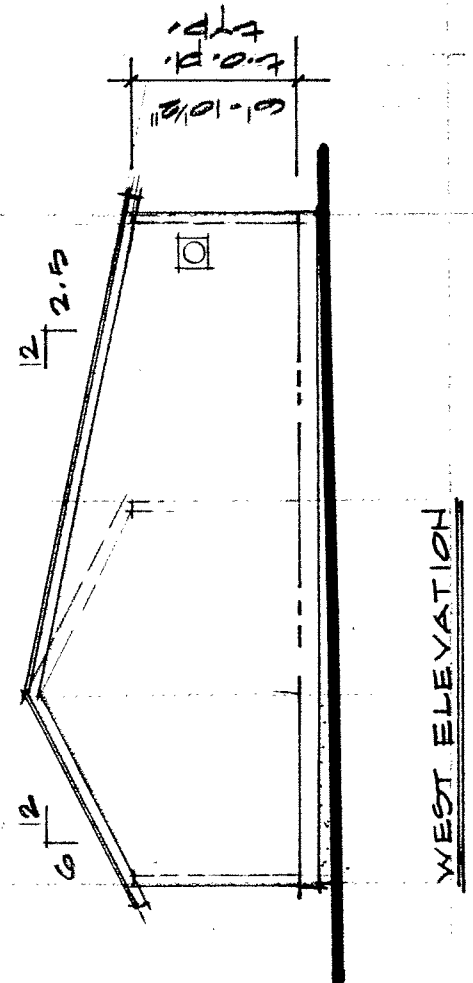
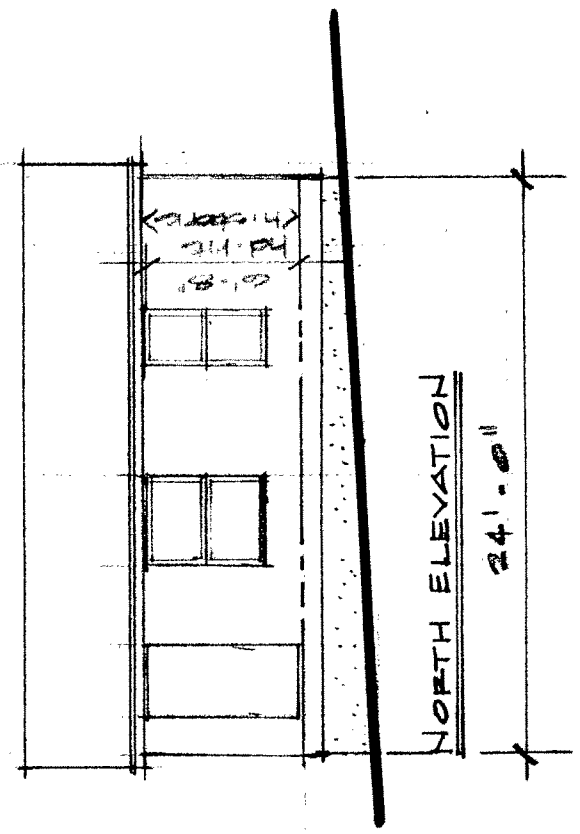
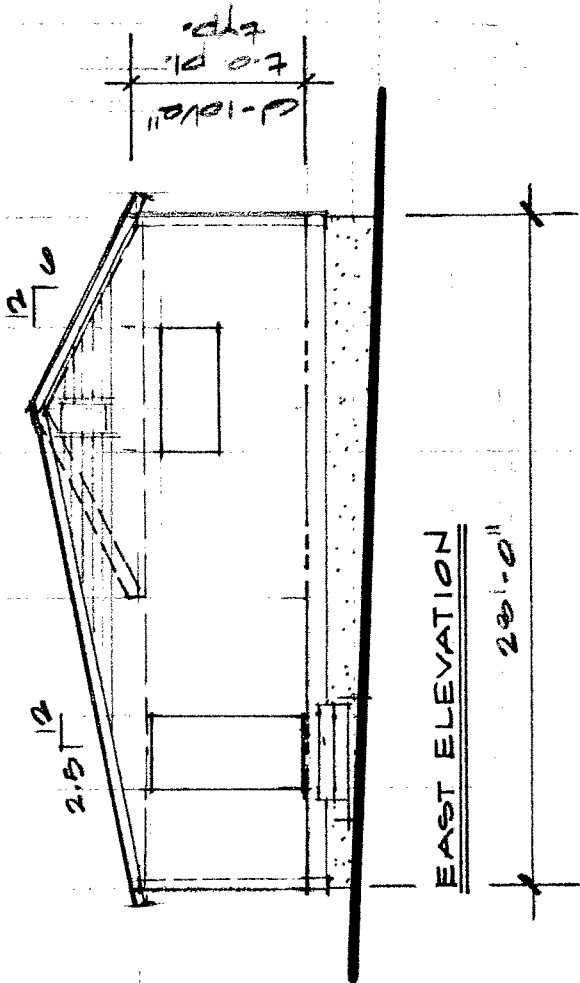
FRENCH STREET
(14' R-O-W)

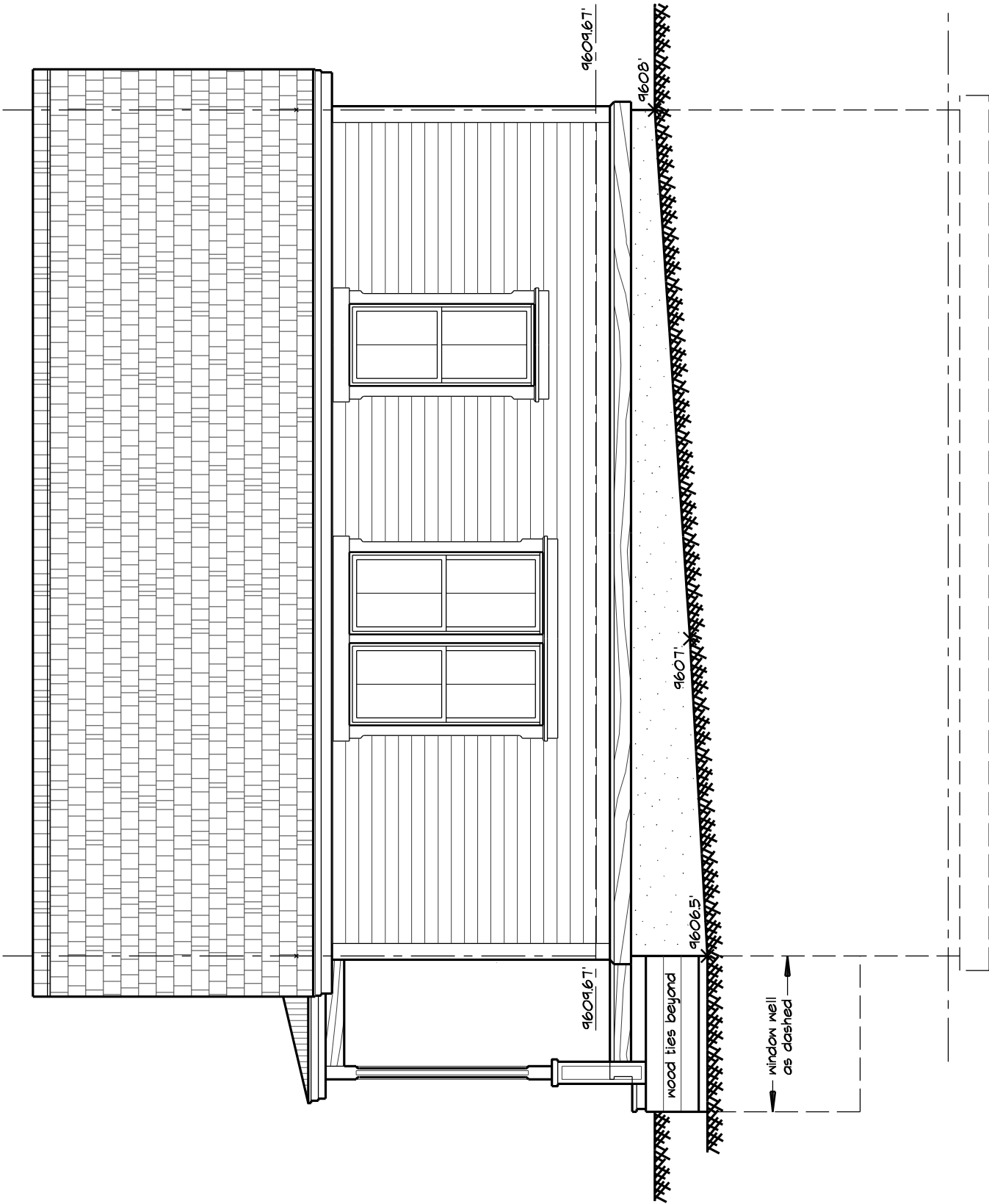


215 E. WASHINGTON AVE.

AS-BUILTS

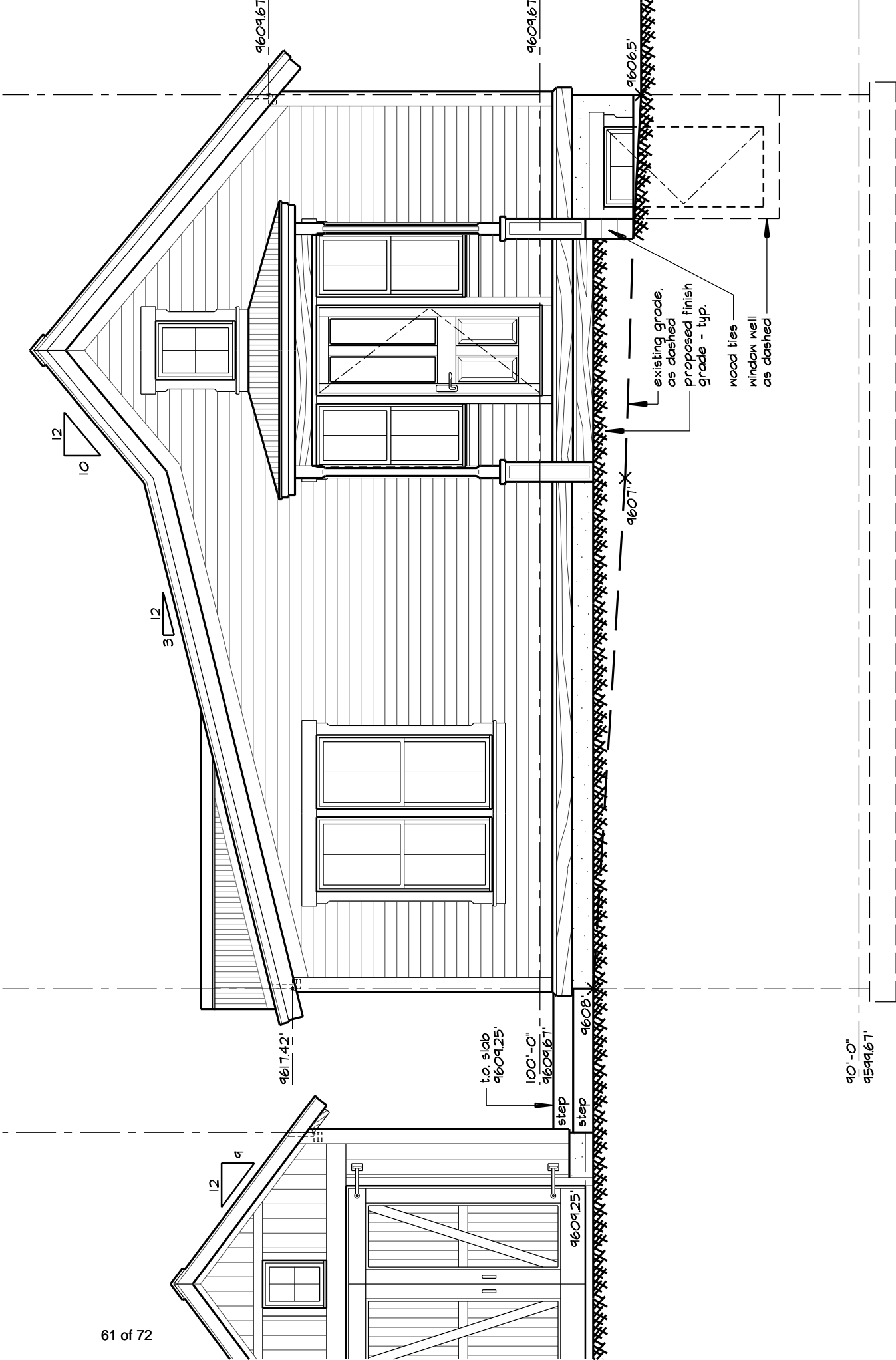
1/8" = 1'-0" 30 NOV. 09





BRADLEY RESIDENCE
 LOT 1A, BLOCK 10, ABBETT ADDITION
 BRECKENRIDGE, COLORADO

North Elevation
 SCALE: 1/4" = 1'-0" 01-28-2010



East Elevation

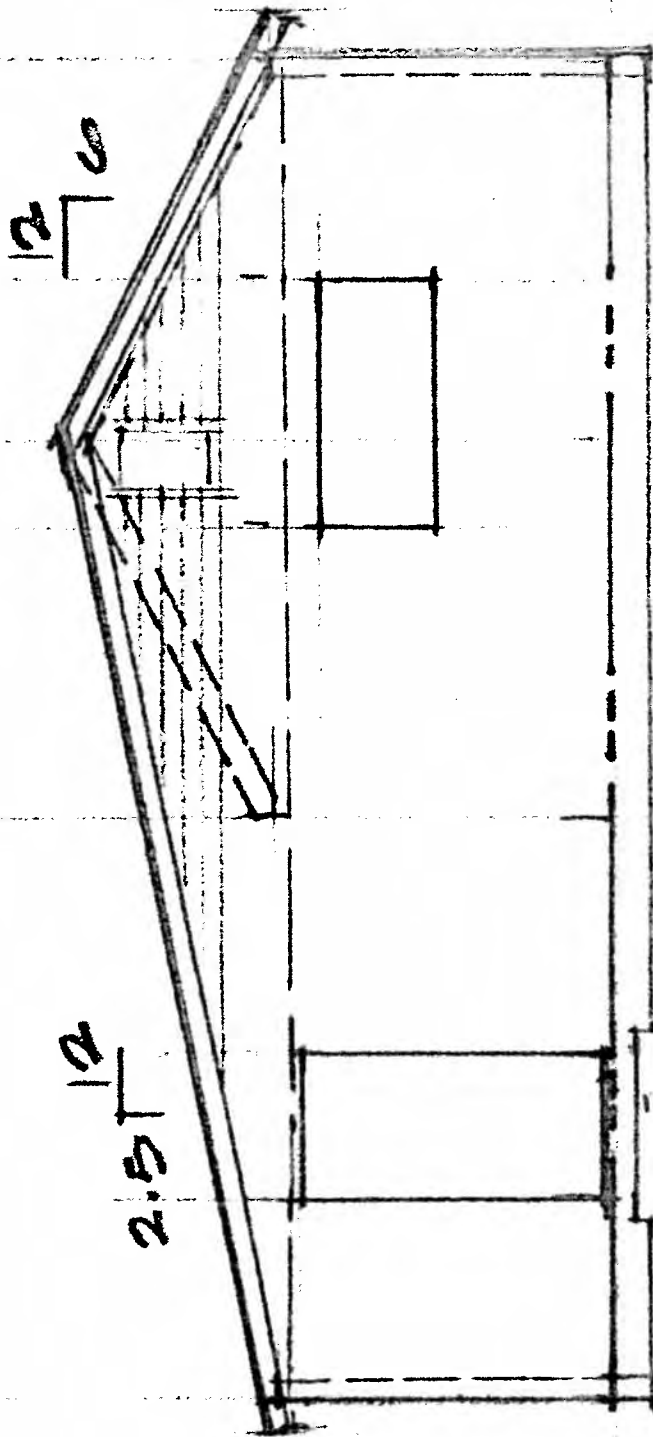
SCALE: 1/4" = 1'-0"

BRADLEY RESIDENCE
 LOT 1A, BLOCK 10, ABBETT ADDITION
 BRECKENRIDGE, COLORADO

213 E. WASHINGTON AVE.

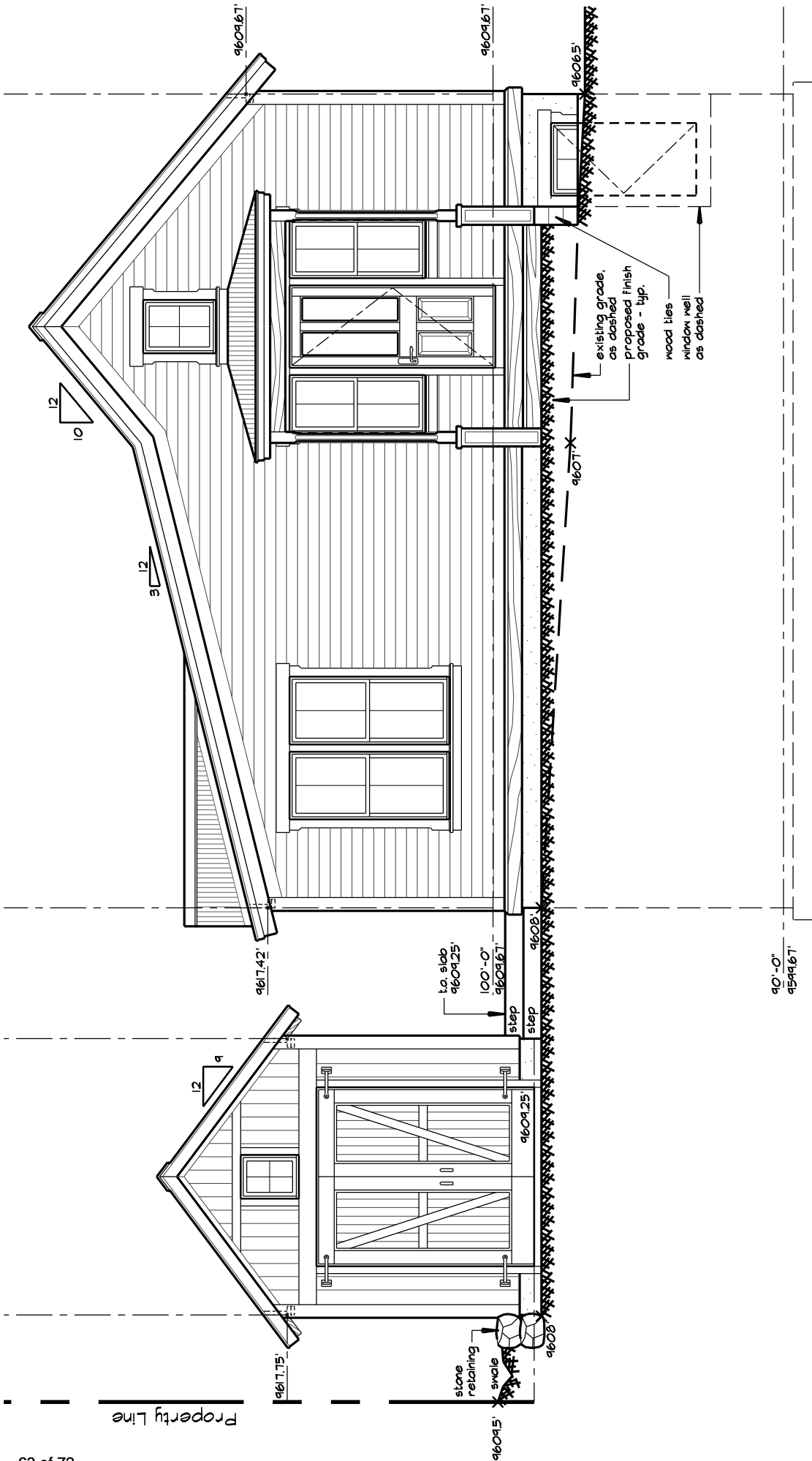
AS-BUILTS

1/4" = 1'-0" 30 NOV. 09



EAST ELEVATION

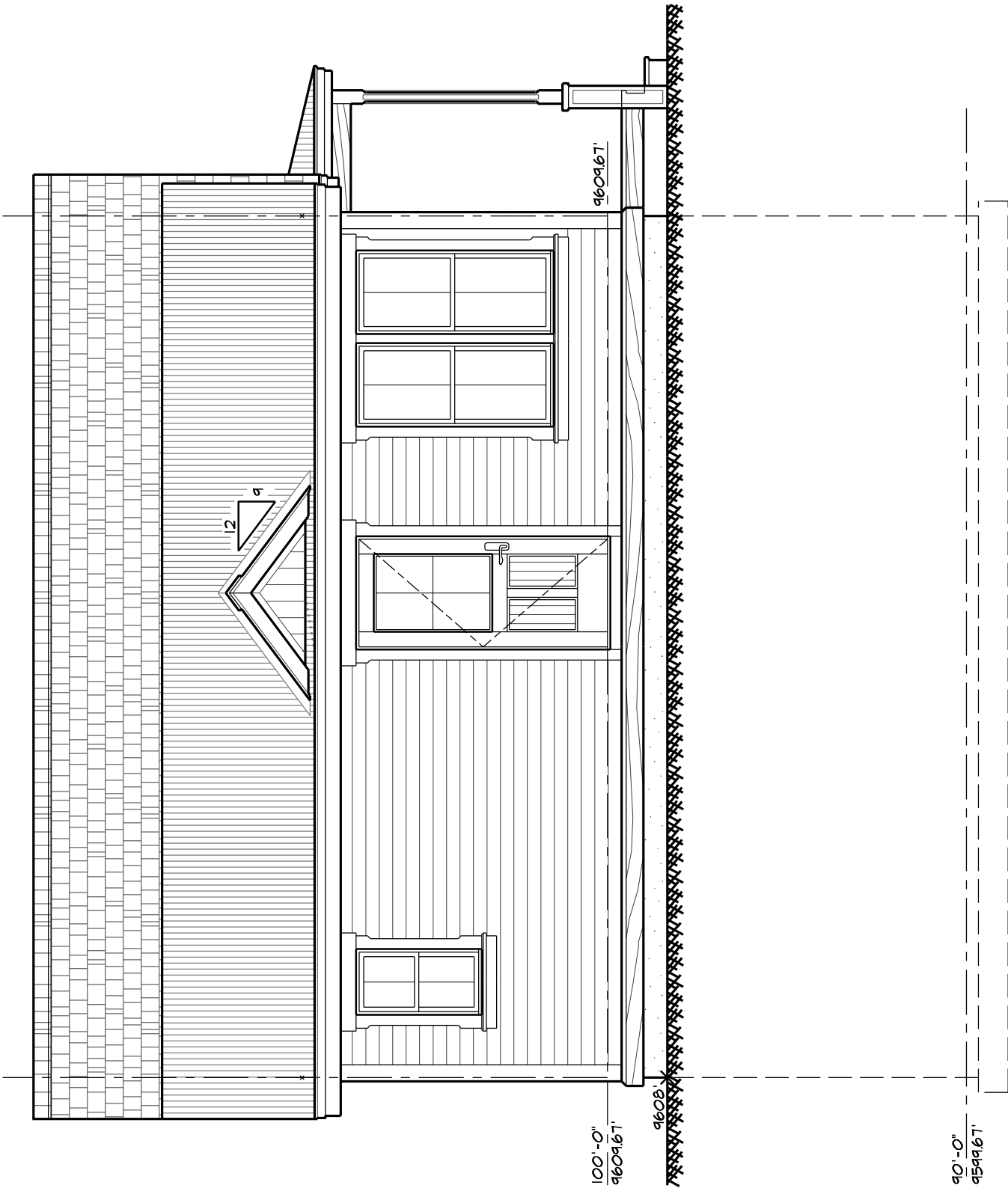
20'-0"



East Elevation

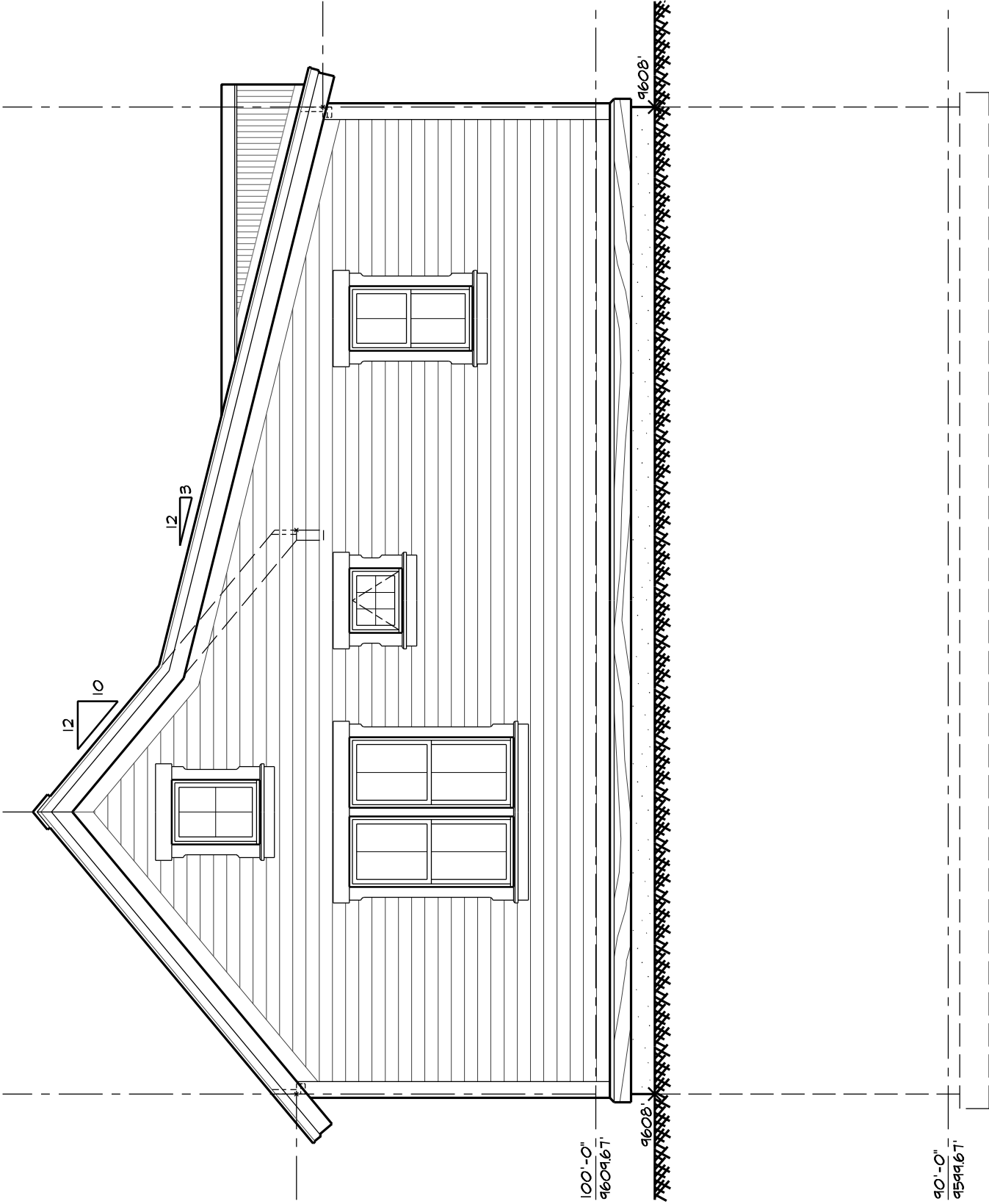
SCALE: 1/4" = 1'-0" 01-28-2010

BRADLEY RESIDENCE
 LOT 1A, BLOCK 10, ABBETT ADDITION
 BRECKENRIDGE, COLORADO



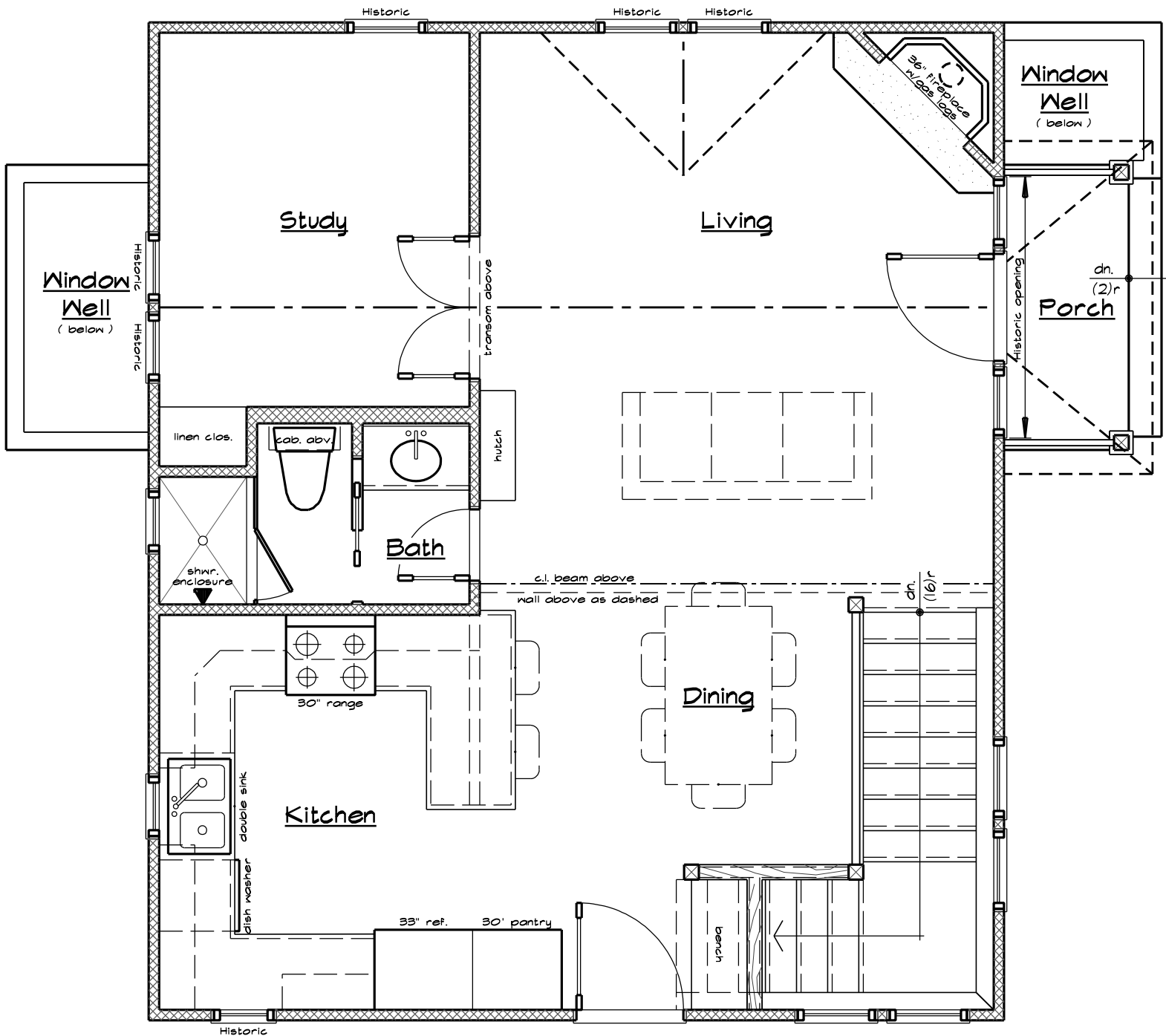
South Elevation
 SCALE: 1/4" = 1'-0" 01-28-2010

BRADLEY RESIDENCE
 LOT 1A, BLOCK 10, ABBETT ADDITION
 BRECKENRIDGE, COLORADO



BRADLEY RESIDENCE
 LOT 1A, BLOCK 10, ABBETT ADDITION
 BRECKENRIDGE, COLORADO

West Elevation
 SCALE: 1/4" = 1'-0" 01-28-2010



MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"
672 SQ. FT.

01-28-2010

BRADLEY RESIDENCE
LOT 1A, BLOCK 10, ABBETT ADDITION
BRECKENRIDGE, COLORADO



DENOTES THE HISTORIC OPENINGS









