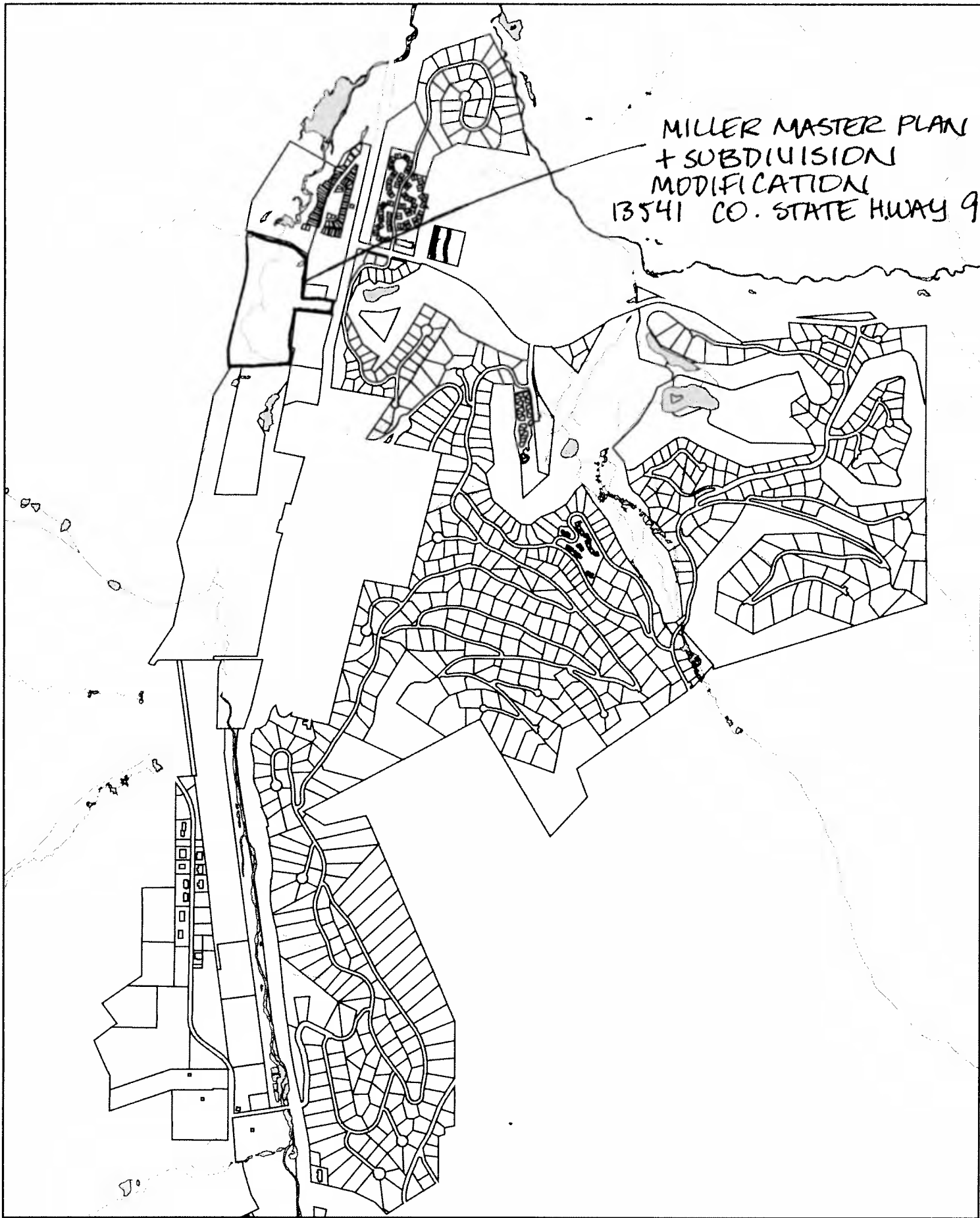


**Town of Breckenridge**  
**Planning Commission Agenda**  
Tuesday, March 2, 2010  
Breckenridge Council Chambers  
150 Ski Hill Road

|             |  |           |
|-------------|--|-----------|
| <b>7:00</b> | <b><i>Call to Order of the March 2, 2010 Planning Commission Meeting; 7:00 p.m. Roll Call<br/>Approval of Minutes February 16, 2010 Regular Meeting<br/>Approval of Agenda</i></b> | <b>4</b>  |
| <b>7:05</b> | <b><i>Consent Calendar</i></b>   |           |
|             | 1. Inner Circle Exterior Remodel (CK) PC#2010010<br>820 Columbine Road   | <b>12</b> |
|             | 2. Winterpoint II Exterior Remodel (CK) PC#2010011<br>250 Primrose Path  | <b>21</b> |
| <b>7:15</b> | <b><i>Worksessions</i></b>   |           |
|             | 1. Transition Areas (MMO)  | <b>31</b> |
| <b>8:15</b> | <b><i>Town Council Report</i></b>  |           |
| <b>8:25</b> | <b><i>Combined Hearings</i></b>  |           |
|             | 1. Miller Master Plan Modification (MM) PC#2010008<br>13541 Colorado State Highway 9   | <b>59</b> |
|             | 2. Miller Subdivision Modification (MM) PC#2010009<br>13541 Colorado State Highway 9   | <b>70</b> |
| <b>9:25</b> | <b><i>Other Matters</i></b>  |           |
| <b>9:30</b> | <b><i>Adjournment</i></b>  |           |

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.*



MILLER MASTER PLAN  
+ SUBDIVISION  
MODIFICATION  
13541 CO. STATE HWAY 9

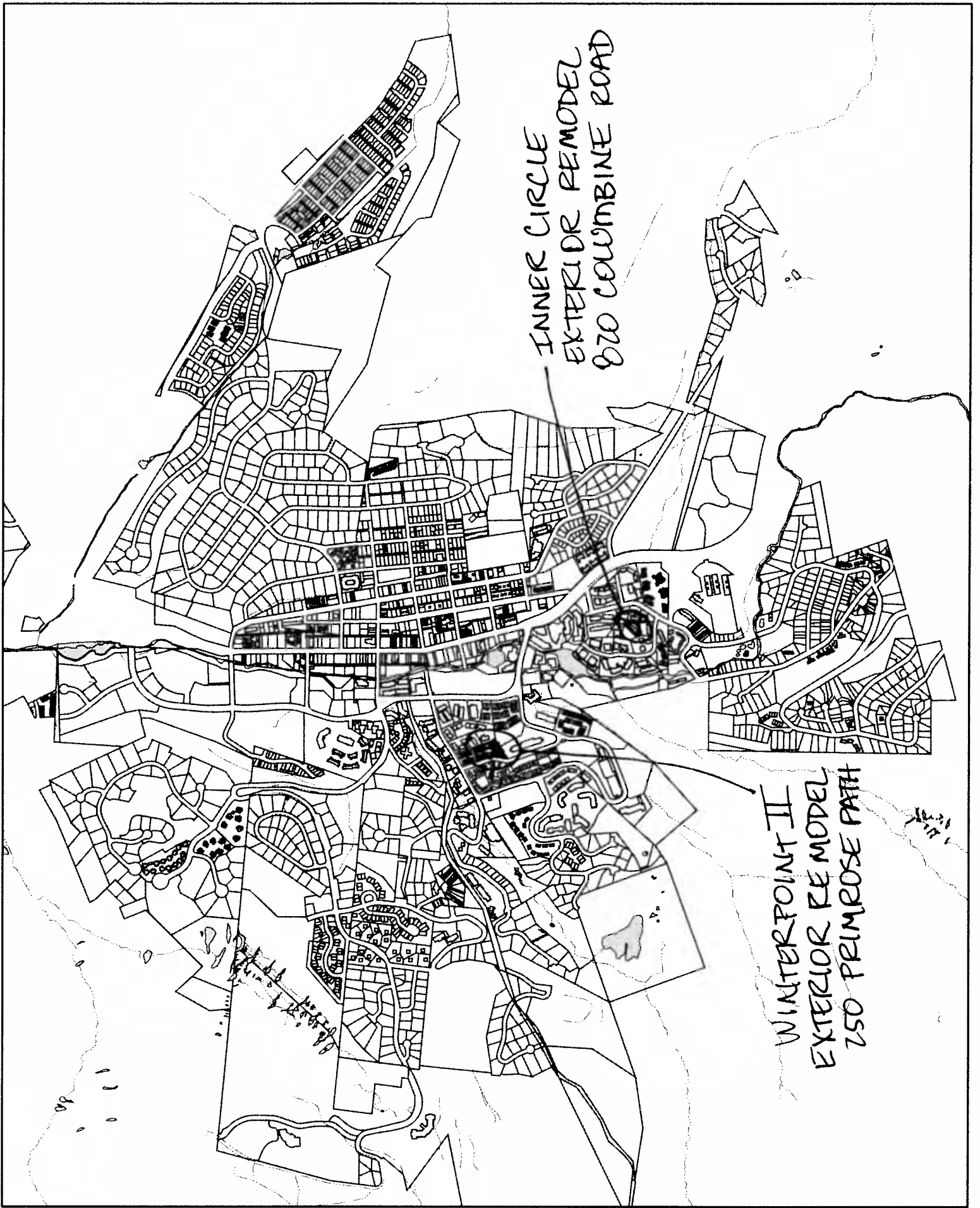


Town of Breckenridge and Summit County governments  
assume no responsibility for the accuracy of the data, and  
use of the product for any purpose is at user's sole risk.

### Breckenridge North

printed 2007





INNER CIRCLE  
EXTERIOR REMODEL  
870 COLUMBINE ROAD

WINTERPOINT II  
EXTERIOR REMODEL  
750 PRIMROSE PATH

PLANNING COMMISSION MEETING

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

ROLL CALL

Leigh Girvin                      Michael Bertaux                      Rodney Allen  
Jim Lamb                              JB Katz                                  Dan Schroder  
Dave Pringle arrived at 7:05pm.

APPROVAL OF MINUTES

With no changes, the minutes of the February 2, 2010, Planning Commission meeting were approved unanimously (6-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the February 16, 2010 Planning Commission meeting was approved unanimously (6-0).

**CONSENT CALENDAR:**

1. AT&T Temporary Tower (CN) PC#2010006, 103 South Harris Street

Ms Girvin made a motion to call up the AT&T Temporary Tower, PC#2010006, 103 South Harris Street. Mr. Lamb seconded, and the motion was approved unanimously (6-0).

Mr. Neubecker presented the request. The proposal is to include a temporary cellular telephone tower at the old CMC parking lot; the space would be leased from the Town. Representatives from Black and Veatch and AT&T were in attendance, and presented a photo of the potential temporary tower. The Town has received 10 letters of support for the temporary tower. The Town has received no opposition to the tower. The main concern is that with the increased population during busy times of the year, there is a decreased level of service in Town, and users experience many dropped calls or failure to connect. This is a temporary solution for up to six months, and AT&T is looking at different options for a permanent solution.

Commissioner Questions/Comments:

Ms. Girvin: Were there any private property sites approached before the Town? (Mr. McCreedy/ Mr. Kenney: We looked at the Post Office at French and Park, also the building next door to Town Hall in the rear. We need it near the center of town, next to power and telecommunications, and the old CMC campus provides that.) How many parking spaces including the fencing around the trailer? (Mr. McCreedy/ Mr. Kenney: The trailer sits in one parking space, with the fence it takes up about two spaces, not 50.) Did you do a site visit with staff? The location will block a public pathway between the two parking lots. Is there another place in the lot that it can be placed? (Mr. McCreedy/ Mr. Kenney: We looked at a couple of locations around the lot and there were obstructions with trees and buildings. The proximity to the power and telecommunications makes this the best location. Access for technicians is also a factor.)

Final Comments: I want the Town staff to understand how popular that parking area is. I did a parking count and it is very well used by residents. We can certainly give up a few spaces for this temporary tower, but whenever it is a busy weekend that lot is full. We need to not continue to over-program CMC. We also have an issue in this area with graffiti. I am afraid that an urban use like this tower will encourage more graffiti. The path between the lots is very well used, and if there is a way that the trailer could be situated to not block pedestrian travel it would be beneficial. I have an issue with public lands being given up for a private use, but that since this is a short term duration there is a balance.

Ms. Katz: When would it go up? (Mr. McCreedy/ Mr. Kenney: We would like to get it up as soon as possible, as early as the first week of March if possible.)

Final Comments: I hear what Ms. Girvin is saying, but I am in favor of the project. The need of the community has to be met. Please get this done as soon as possible.

Mr. Schroder: The report says that the fence would be six feet (6') in height? How big is the trailer? (Mr. McCreedy/ Mr. Kenney: The mast is 35'. The trailer is approximately 12'.) (Mr. Neubecker: We

picked a six foot (6') fence because it is readily available.) Will the tower's permanent location be accessible to technicians? (Mr. McCreedy/ Mr. Kenney: We are pursuing rooftop locations, which will be accessible to technicians, even on a roof. That is normally where we are located.)

Final Comments: I think that this project needs to happen. I am in full support of having a permanent solution for this problem.

Mr. Lamb: The language seemed vague on the temporary nature of this. This is temporary correct? It doesn't come back in six months for renewal? (Mr. Neubecker: The temporary license agreement we are working with the applicant on says specifically six months, but allows it to be extended for three months.) Do you expect it to go six months? (Mr. McCreedy/ Mr. Kenney: We anticipate it will be less than six months, we are looking at four - five months total. We need to solidify the permanent location and then obtain Town approvals.)

Final Comments: I agree with everything that Ms. Girvin said. This really needs to be temporary, especially because of the location in the historic district. I understand the problem with phone service, but we need to be careful with this issue as Ms. Girvin states. I have some concerns with the precedent we may be setting with this temporary use.

Mr. Bertaux: Final Comments: I don't have a problem with it. I will support the project tonight, but it isn't likely I would support it again. I don't have a cell phone.

Mr. Pringle: Has there been any negative comment? (Mr. Neubecker: Not that I have received.)

Final Comments: I don't have any problem with it. It is temporary.

Mr. Allen: Final Comments: I concur with everything that has been said, but this needs to happen for our community businesses. It needs to be a temporary solution.

Mr. Allen opened the hearing to public comment.

Andrew Biggin: I would like to encourage the Town to allow this to happen as fast as possible. The disruption to commerce in the Town is devastating. We can't communicate with our business partners, and I am getting feedback from property owners that are frustrated with AT&T. I think this is overwhelmingly needed and I encourage the Town to approve this. (Ms Girvin: How long have you been complaining to AT&T?) Two years.

Katherine Bitzer: I am a local virtual office employee and would like the temporary tower installed as soon as possible. I do my work here in Town. I support this tower. I think we will have a permanent site soon.

Lee Edwards: I have a few questions as a neighbor and resident. How tall is the mast? (Mr. McCreedy/ Mr. Kenney: 35'.) Will the power be underground? (Mr. McCreedy/ Mr. Kenney: No, in a rigid steel pipe on the ground.) Why CMC as opposed to the Riverwalk? (Mr. McCreedy/ Mr. Kenney: We pursued other options, but this is the best physical location for telecommunications and power.)

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

Mr. Pringle moved to approve the AT&T Temporary Tower, PC#2010006, 103 South Harris Street. Mr. Bertaux seconded. The motion was approved unanimously (7-0).

#### WORKSESSIONS:

##### 1. Footprint Lots (JP)

Ms. Puester presented. Staff held work sessions on footprint lots with the Commission February 3, March 17, and October 20, 2009. The concern around these discussions was the development occurring in the Conservation District, where primary looking structures were being approved in rear yards, leading to development patterns and street appearance in conflict with the historic character of the District.

After these meetings, a few consensus points seemed to arise. These included:

- Secondary structures should utilize a form based code which results in a smaller scale building and simplistic design (e.g. little ornamentation, simple windows, simple siding, etc.).
- Setbacks would be needed for separation of structures/footprints and follow the historic character.

- Footprint lots should be identified by the applicant during the site plan application and review process. Staff asked the Commission to verify that there was consensus on these items.

Staff believed that the most effective method of limiting footprint lots as discussed to date would be to permit footprint lots within the overlay district. This would essentially allow for footprint lots in more commercial areas and prohibit footprint lots in areas with more residential character. Did the Commission concur?

Before proceeding forward with draft language to the Subdivision Code, which currently addresses footprint lots and minimum lot size, as well as the Handbook of Design Standards for the Historic and Conservation Districts, which addresses design, Staff asked whether the Commission had any additional concerns.

Commissioner Questions/Comments:

Ms. Girvin: I am pleased with the proposed approach to move forward. I would like to have the option that this be a variance outside of the overlay district.

Ms. Katz: I am pleased with the proposed approach to move forward. I would like to have the option that this be a variance outside of the overlay district.

Mr. Schroder: I am pleased with the proposed approach to move forward. I would rather have a variance option outside of the district, but to otherwise to prohibit outside of the overlay district. Comfortable with staff's approach.

Mr. Lamb: Footprint lots can start to take on the look of two homes on two lots, which is the character issue that is being discussed. I am trying to think of a scenario in which the only way the project will work is with a footprint lot. (Mr. Pringle: We have had a case with a steep lot where this scenario was used for the better.) Ok with limiting footprint lots to the overlay district where there is more activity and permitting them only in special circumstances outside of the district with a variance.

Mr. Bertaux: I like the three bullet points in the staff report. (Mr. Allen: I agree.) The footprint lots should be more than "discouraged" in some areas. Ok with prohibiting in the residential character areas. They could always apply for a variance if the site works best for it. I would like to see draft language for this.

Mr. Pringle: On the secondary structures bullet item, would this be a concern of footprints lots in terms of the subdivision ordinance? (Ms. Puester: This would be addressed in the Subdivision Code. The form of the buildings would be addressed in the design standards or Development Code.) Should a footprint lot subdivision standard be co-mingled with design standards? (Ms. Puester: No, separate codes. Where it will somewhat co-mingle is at the site plan process, where the applicant would determine the footprint lot lines for planning purposes but it will be in separate codes.) Historically in the residential area, footprint lots were a way to get around the minimal lot size. I like the idea that footprint lots would only be allowed in the overlay district and would be highly discouraged in other areas, not prohibited. We should allow the Planning Commission to use the tool if necessary. (Mr. Neubecker: Do you think we should prohibit but allow it as a variance? The Development Code allows us to discourage something with negative points; however, the Subdivision Code does not. For that reason, the variance route may be better.) Concerned that there may be a case where a footprint lot may be the only tool to move forward. Other solutions should be explored before we would allow for a footprint lot solution outside of the overlay district. (Mr. Grosshuesch: If we leave the door open and don't prohibit it, we may need to write criteria for which it would be approved. There is still a way to approve it with a variance.)

Mr. Allen: Why not in residential; is it an intensity issue? (Ms. Puester: Yes. There was some discussion on density, parking and community and historic character impacts.) If our code addresses the form of the structure is there any other difference except intensity? (Mr. Grosshuesch: Intensity as well as character.) We shouldn't write an ordinance to cater for an exception; ok with utilization of a variance. Looking at the overlay map, why are some parts of Ridge Street in the overlay district and others not? (Mr. Neubecker: This was an existing map that we developed for a different policy. At the time we looked at areas of town that were the most commercial and tourist oriented. These were areas we wanted to prohibit residential on the ground floor. We didn't draw this map new for this policy.) (Mr. Lamb: If someone wanted to take an area not on this map, they could go for a variance to the Planning Commission.) (Mr. Truckey: During the ground floor office/residential ordinance, we discussed whether or not to extend that map further down Ridge Street, but because of

the mix of residential and commercial we did not. We also wanted to try and keep existing boundaries in place.)

Mr. Allen opened the hearing to public comment.

Lee Edwards: Have you had a chance to study the Sanborn maps to make sure that the secondary buildings are smaller than primary structures historically? (Ms. Puester: No, but we can. Following the design standards for the historic character areas.) The overlay district you are talking about is basically around Main Street, or does this affect the entire historic district? (Mr. Pringle: Not the entire area. It is the tighter area around Main Street.) What are you adding to the existing code that is not there now? Thought that you could not footprint lot in residential areas anyhow. (Mr. Neubecker: We are proposing to clarify that outside the overlay district that footprinting would not be allowed. Right now, you could create a footprint lot. With this, it would be allowed within the overlay district only. That type of intensity is anticipated in the commercial area, but not in a residential area.) Is there a good example of this in Town? (Mr. Neubecker: A recent example was a footprint lot created to allow for a historic barn and new buildings on North Main Street, near Contino's old offices.) What is the difference between a PUD and a footprint? Why are we pursuing another mechanism if it is in place? What more does the footprint lot allow? (Mr. Pringle: Parking and access are reasons for allowing footprint lots.) (Mr. Mosher: Footprint lots allow the density of a site to be met. Historic standards can be met with this approach.)

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

## 2. Bistro Lighting (JP)

Ms. Puester presented. Staff has been directed by the Town Council to revise the Exterior Lighting Policy (Chapter 12 of the Development Code) to allow for overhead bistro style lighting along walkways internal to a site. Bistro lighting along internal commercial walkways would enhance the pedestrian and shopping experience as people meander through the site to storefronts in the rear of the property. Staff presented proposed language in strike and bold, modifying the policy, for feedback and posed a question to the Planning Commission.

1. Should the existing time frame (May 1 through October 31) for outdoor restaurant/bar areas be permitted year round to mirror the proposed internal walkway provision? Should timing for walkways be year round, winter months or summer months?
2. Other issues?

### Commissioner Questions/Comments:

Ms. Girvin: What is considered "interior to a commercial site"? (Ms. Puester: Outdoor restaurant and bar areas have specific requirements and dates in the existing code. This would allow for lights over the walkways to storefronts which do not have frontage near the street.) Bistro lights could be allowed year round in store walkways, but it is different for restaurant and bar areas? (Ms. Puester: We would like feedback from the Commission on timing. Restaurant bistro lights are allowed by current code for summer months only due to the outdoor dining season.) I don't understand why this is needed. (Mr. Neubecker: The town got a call asking about the use of lighting strung over walkways between buildings, rather than on buildings which is already allowed in the code via holiday lighting. We thought that this was a good idea and should be considered.) That isn't what this says. (Mr. Neubecker: We can clarify the language and are very open to comments at this point.) What are the dates for holiday lighting? (Ms. Puester: November 1 to the end of the ski season.) (Mr. Neubecker: Maybe we should just be clarifying the holiday lights section, and only allow this in the winter time.) I agree. My preference would be to include in the holiday lighting and allow canopy lights in the winter season, which is over six months long. I don't think it is compliant with dark skies. Agree it should also need a permit, as Ms. Katz mentioned.

Ms. Katz: Stay within Lighting Zone 1 with a permit. There needs to be a way that we can modify the boundary for certain exceptions - for restaurants - that are right outside of the boundary as Ms. Puester mentioned. I think possibly a permit on a case-by-case basis would be okay, similar to a sign permit process. I don't want to put it into holiday lighting. It needs to be fair. I am fine with it

being all year round, and having a nightly cut-off time at the close of business. Security lighting is different and they can keep that on later. Walkways are okay for winter only. White lights only, don't lump in with holiday lighting.

Mr. Schroder: I think it is an interesting concept for certain locations in town, but not sure I would want to support a lot of additional lighting in Town. (Mr. Mosher: Perhaps it should be defined as only between buildings, rather than just over walkways.) I think we need stronger language. I understand the need. I agree with Mr. Pringle that we should leave this alone and wait and see.

Mr. Lamb: I like bistro lights and think they are compliant with dark skies because they are very low wattage. They should be turned off at the close of business.

Mr. Bertaux: My concern is that the Christmas lights are left on 24-hours a day. They need to be turned off at the end of the business day. This is an energy issue. I think bistro lights should only be used in the summertime and that the zone should be extended to people on opposite sides of the street from one another. I like Mr. Rossi's point about a length restriction, and would suggest 100' and no more. I agree that a Class D permit should be issued. At the end of the business day these lights should be turned off.

Mr. Pringle: If we add walkways are we opening up too much area that can be lit? Should we look at the exterior lighting plans for these buildings? (Mr. Grosshuesch: Could it be a permit for approval as proposed and we write certain criteria for approval?) Are the lights that we are talking about currently illegal? (Mr. Neubecker: Maybe. If you look at the exact definition of holiday lights, it is arguable of whether or not this is allowed.) Why can't we just leave it alone? This seems like micro-management. (Mr. Neubecker: We could interpret this as holiday lighting for the time being.) I think the current lighting zones should be followed. I think we should leave the bistro lighting definition as-is but allow for all restaurants in Town.

Mr. Allen: The first sentence of the bistro lighting definition says "small white or clear bulbs", and I saw many colored lights in town this evening for holiday lighting. My point is that as we consider this as a year-round proposal are we going to change this? I encourage everyone to walk down Main Street and see the lighting we are discussing. There are several "canopy" lights on Main Street already such as La Cima. I'd like to see some uniformity with what goes on; one way would be to require white or clear on canopy lights and stay consistent with bistro definition not all different colors like holiday lighting. These need to be specific and clear about what it needs to get through Class D. I think they should be turned off at night. I think modifying holiday lights would be appropriate. I think a maximum of 60 watts is too high. We should look at a length restriction.

Mr. Rossi: Can the need be met by something other than additional lighting such as signage? (Mr. Neubecker: We think the lighting can encourage lighted access to different commercial locations further back on the site.) Is there any way to address the length of the canopy so as to prevent a walkway from being interpreted? (Ms. Girvin: How does this align with the dark skies?) It doesn't; its seasonal lighting. If there is a desire to draw people to a business there could be other mechanisms other than lighting, like signage. Do you think this lighting actually encourages people to walk to these other businesses? (Mr. Neubecker: I think it creates activity.) (Ms. Katz: I think lights show that the business is open and encourage people to explore.) I think we need to be consistent with people that are across the street from one another to allow for restaurants. It should otherwise not be allowed in Lighting Zone 2. Not many businesses that this policy would apply to.

### 3. Historic District Transition Zone Standards (MM)

Mr. Mosher presented. At the February 2, 2010 Planning Commission meeting, Staff introduced the pending review of the un-adopted Handbook of Design Standards for the Transition Areas of the Conservation District. Within the adopted *Handbook of Design Standards for the Historic and Conservation Districts*, Chapter 4.0 (Design Standards for the Rehabilitation of Existing Buildings in the Historic District) and Chapter 5.2 (General standards for all new construction projects) describe standards for development within the Historic District *and* Conservation Districts. Therefore, the Town already regulates certain aspects of development within the Transition Areas. The proposed review is to adopt specific standards for each Transition Area and to "fine tune" their boundaries. Staff called attention to three policies potentially needing review or revision:

80. *Respect the perceived building scale established by historic structures within the relevant character area.*

- *An abrupt change in scale within the historic district is inappropriate, especially where a new, larger structure would directly abut smaller historic buildings.*



- *Locating some space below grade is encouraged to minimize the scale of new buildings.*

81. *Build to heights that are similar to those found historically.*

- *This is an important standard which should be met in all projects.*
- *Primary facades should be one or two stories high, no more.*
- *The purpose of this standard is to help preserve the historic scale of the block and of the character area.*
- *Note that the typical historic building height will vary for each character area.*

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

- *This may be appropriate only where the taller portions will not be seen from a public way.*
- *The new building should not noticeably change the character of the area as seen from a distance. Because of the mountain terrain, some areas of the district are prominent in views from the surrounding areas of higher elevation. Therefore, how buildings are perceived at greater distances will be considered.*
- *As pedestrian use of alleys increases, also consider how views from these public ways will be affected. When studying the impact of taller building portions on alleys, also consider how the development may be seen from other nearby lots that abut the alley. This may be especially important where the ground slopes steeply to the rear.*

From the un-adopted *Handbook of Design Standards for the Transition Areas of the Conservation District: Design Standard 258. Where new buildings in the Conservation District are to be built near the edge of the Historic District, they should step down in scale to more closely match the scale of historic buildings found within the Historic District.*

- *In general, building heights should appear to be similar to historic heights when near the edge of the Historic District.*
- *Building widths also should appear similar to historic widths in such a context.*
- *If nearby historic buildings are one story in height, then new structures should step down to a similar dimension; if nearby historic buildings are two stories in height, then matching that dimension is appropriate.*

Two key issues arise as the existing Handbook of Design Standards relate to the issue of building scale within the Transition areas:

- 1) The Town has established precedent on development applications allowing increased above-ground density and greater overall building height in the Transition Areas. Specifically, the above ground density has been allowed at 1.5 times the standard 9 UPA, to 13.5 UPA.
- 2) Building height has been allowed at a maximum of 35 feet overall.

The un-adopted Transition Standards suggest larger building height and mass, but the Priority Policies (80, 81 and 82) restrict the height and mass as they relate to historic properties. Staff suggested adding language to Policy 82 indicating that this policy does not apply to properties that lie within the Transition Areas but adjacent to the Historic District, and referring building height issues to Policy 258 in the Transition Area standards.

Staff welcomed Commissioner comment.

Commissioner Questions/Comments:

Ms. Girvin: Can you provide some examples of the 13.5 UPA? (Mr. Mosher: There is an approved property, the Matheson residence, on South Harris Street that follows this mass and scale.) (Ms. Katz: On that particular house, I am okay with the mass and scale, but am not okay with the materials and colors.) I agree with Ms. Katz. (Mr. Neubecker: This evening, we are trying to focus on the general massing and scale in the Transition Areas overall. Most requirements may need to relax in the Transition Area. We can extend any specific requirements to include materials in particular character areas.) Can you please give an example in the North Main Transition area? (Mr. Mosher: The buildings there appear more historic but with more relaxed massing and scale. This is one of the “Gateways” to Town and stricter interpretations of historic forms, more in keeping with the Conservation District Standards. There is a slightly different character in that area and the buildings were designed to

meet that.) If someone wanted to develop in this area, they would need to follow these proposed standards. I think this looks fine. Under Character Area #11, would it be a priority policy to follow the historic the grid layout? (Mr. Neubecker: The grid is not addressed in that specific priority policy, but it is in the Handbook of Design Standards transition area handbook.) It should be more of a general policy. The projects identified as those that do not follow the grid are not “recent” (i.e. Wellington Square) and it needs to be updated in the text.

Ms. Katz: I think that materials should be addressed in the Transition Area Standards. I am fine with the density and height transitions. I agree with Ms. Girvin about the grid being important in the transition areas. (Mr. Mosher: We will look into that as a summary of the whole district.)

Mr. Schroder: So most people in the transition area would gain rights with these standards? (Mr. Mosher: Yes, some properties would.)

Mr. Lamb: Agree with the density and height increases.

Mr. Bertaux: Why do we want to allow bigger buildings in the transition area? (Mr. Mosher: The Town doesn't want a hard abrupt edge around the historic district; the idea is for a gradual transition and step down in height as one approaches the historic district.) Are you only talking about the properties that are adjacent to the district, or the outside edge of the boundary? It would help to have a better map that shows the 7 character areas. (Ms. Katz: Can we also get overall district maps for our Planning Commission packets?) (Mr. Mosher: We can provide a better map for the next meeting.)

Mr. Pringle: The Conservation District should be inside the yellow line, which was the original old Town core. Once contemporary building started to fall within the historic district boundaries, we tightened up those boundaries to create the “conservation” area - the old Town grid. There were then transition areas that were adjacent to that. (Mr. Grosshuesch: The transition zone is supposed to mimic the scale and block orientation of the historic district, without the exact details. We are proposing that we call the area that surrounds the historic zone the “transition zones” instead of the Conservation District. We would then get rid of the references to the “conservation” zone that are misleading in the Handbook of Design Standards.) Are all of the transition zones within the conservation boundary? (Mr. Mosher: Most of them are in, some smaller portions are outside.)

Mr. Allen: I think we have consensus on the 13.5 UPA and height, and Commissioners are in support.

Mr. Rossi: How do we inform property owners that will be affected by this? Do we notice them or do they get more involved in the process as we go along? (Mr. Grosshuesch: We'll have public hearings on this at Planning Commission and Town Council as the process progresses. We haven't determined how much outreach we will be doing, since it could affect property rights. Generally, people are getting more permissiveness with their zoning with these standards. We just wanted to determine how extensive a change the Planning Commission is supportive of.) On number 9, how does that affect a BBC Redevelopment at a staff level? (Mr. Mosher: Currently, we ask people to consider the standards and development pattern. There is no requirement as these are not formally adopted, and BBC is outside the Transition Area.)

#### TOWN COUNCIL REPORT:

Mr. Rossi: There is nothing to report.

#### COMBINED HEARING:

1. Resubdivision of Lot 1B, Block 9, Breckenridge Airport Subdivision (CN for CK) PC#2010004, 1925 Airport Road.

Mr. Neubecker, on behalf of Mr. Kulick, presented a proposal to subdivide the existing Lot 1B, Block 9, of the Breckenridge Airport Subdivision into two lots for commercial use. In general, the history and density tracking of this property was confusing since several recorded documents over time indicated different amounts of remaining density for the property. The Applicant would like to subdivide Lot 1B to form two lots. Lot 1B1 would consist of 0.882 acres with 10,790 square feet of density (including the existing 800 SF greenhouse), and Lot 1C would consist of 0.623 acres with the remaining 3,900 square feet of density (including the existing 3,900 SF structure). This works out to 1:3.560 FAR for lot 1B1 and 1:6.955 FAR for lot 1C. LUD 31 allows 1:4 FAR and a 1990 amendment to the Breckenridge Airport PUD states that density shall not exceed 1:2.75. Both Lots 1B1 and 1C would conform to current density requirements.

Staff felt comfortable recommending approval of the subdivision of Lot 1B, Block 9, Breckenridge Airport Subdivision as a combined preliminary and final hearing with the presented Findings and Conditions.

Commissioner Questions/Comments:

- Ms. Girvin: The existing building is on which lot? (Mr. Neubecker: 1C.) What is the box on the other lot? (Mr. Neubecker: It is an easement.) Will there be setbacks? (Mr. Neubecker: Setbacks will be followed and addressed at site plan.)  
Final Comments: I am okay with this.
- Ms. Katz: Final Comments: I am okay with this.
- Mr. Schroder: Is a greenhouse considered a permanent structure? (Mr. Neubecker: Yes, it is considered density.)  
Final Comments: I am okay with this.
- Mr. Lamb: Final Comments: I am okay with this.
- Mr. Bertaux: Final Comments: I am okay with this.
- Mr. Pringle: When and why did we change the Airport PUD density to 1:2.75 from 1:4? (Mr. Grossheusch: It happened in 1990.) (Mr. Neubecker: The PUD allows density transfers within the subdivision between different lots, but didn't want one lot to exceed a specific density. The cap for each lot is 1:2.75, even with a density transfer.)  
Final Comments: I am okay with this.
- Mr. Allen: Does the greenhouse have setbacks? (Mr. Child: The greenhouse can be moved and it will follow setbacks.) The density of the greenhouse will go to the new lot? (Mr. Child: Yes. There is plenty of density for both the business and the greenhouse.)  
Final Comments: I am okay with this.

Mr. Allen opened the hearing to public comment.

- Lee Edwards: Will the access point align the road with the one at CMC? (Mr. Neubecker: We are not sure yet. That will be addressed at site plan.)

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

Mr. Bertaux made a motion to approve the Resubdivision of Lot 1B, Block 9, Breckenridge Airport Subdivision, PC#201000004, 1925 Airport Road, with the presented findings and conditions. Ms. Katz seconded, and the motion was approved unanimously (7-0).

***OTHER MATTERS:***

Mr. Neubecker asked if anyone had an issue with a joint meeting with Council on June 22. There were none except for Ms. Girvin.

**ADJOURNMENT**

The meeting was adjourned at 9:53 p.m.

---

Rodney Allen, Chair

## Planning Commission Staff Report

- Project Manager:** Chris Kulick, AICP
- Date:** February 24, 2010 (For meeting of March 2, 2010)
- Subject:** Inner Circle Condominiums Exterior Remodel (Class C Minor, PC# 2010010)
- Applicant/Owner:** Inner Circle Condominiums Homeowner's Association
- Agent:** Robbie Dickson, Equinox Architecture
- Proposal:** This is an exterior renovation of the existing Inner Circle Condominium building. Total scope of the project includes the installation of new roof and fascia, siding and trim, windows, patio doors, light fixtures, decking & railings, walkways & stairs, and new paint colors. A material and color sample board will be available for review at the meeting.
- Address:** 820 Columbine Road
- Legal Description:** Inner Circle Condominiums
- Site Area:** 0.647 acres (approximately 28,201 sq. ft.)
- Land Use District:** 24: Residential, 20 UPA
- Site Conditions:** The site has two four-story existing structures containing twenty-three residential condominium units. Surface parking is located on the north and east sides of the buildings and the site has some existing landscaping.
- Adjacent Uses:** Residential
- Density/Mass:** No change
- Height:** No change
- Parking:** No change
- New Landscaping:** No change

### Item History

The Inner Circle Condominiums were constructed in 1974, and contains twenty-three residential units.

### Staff Comments

**Project Description:** The exterior materials are outdated and the HOA would like to update their building and property with a more contemporary appearance. The building's exterior remodel and modification consists of:

- New Roofing & Fascia
- New 1" x 8" cedar lap siding
- New 1" x 4" over 1" x 10" cedar board and batten siding
- New cedar trim
- New code compliant exterior lighting
- New railings & decking
- New walkways & stairways
- New color scheme
- Replace existing retaining wall

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

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

#### **Staff Action**

Staff has approved the Inner Circle Condominiums Remodel, PC#2010010, located at 820 Columbine Road, Inner Circle Condominiums, with the standard findings and conditions.

## TOWN OF BRECKENRIDGE

Inner Circle Condominiums  
Exterior Remodel  
820 Columbine Road  
PERMIT #2010010

### FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **February 24, 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 **March 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 months from date of issuance, on **September 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 eighteen months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
6. Applicant shall not place a temporary construction or sales trailer on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

8. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
9. **No existing trees are authorized for removal with this plan. Applicant shall preserve all existing trees on site.**

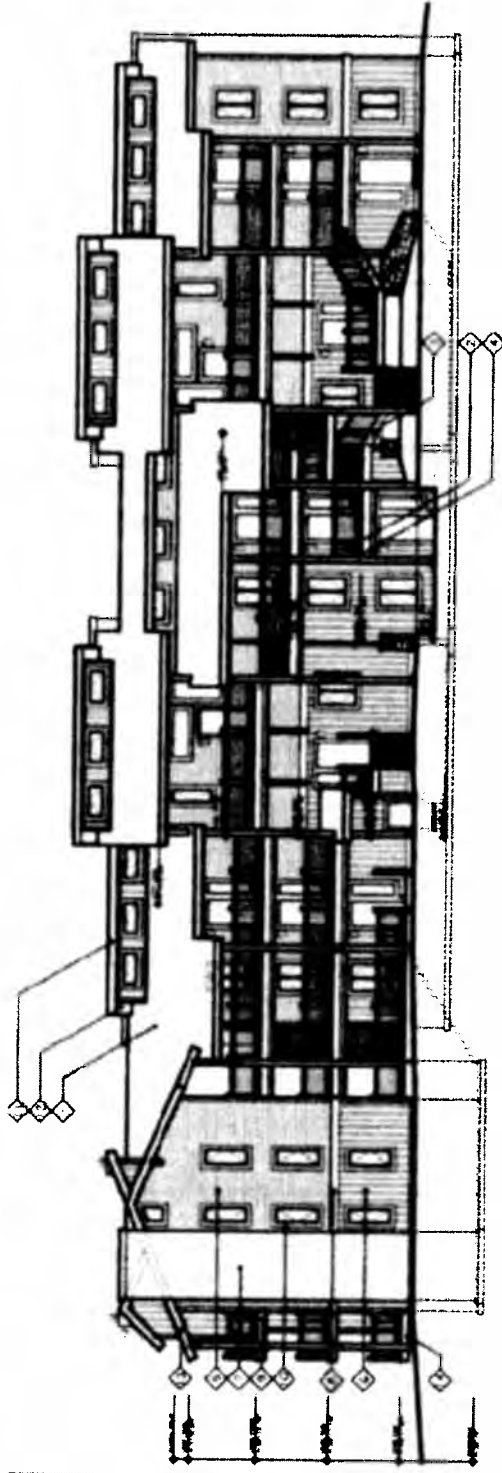
PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall submit proof of ownership of the project site.
11. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
12. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
13. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
14. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. **No staging is permitted within public right of way without Town permission.** Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
15. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site, if light fixtures are new or replaced. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

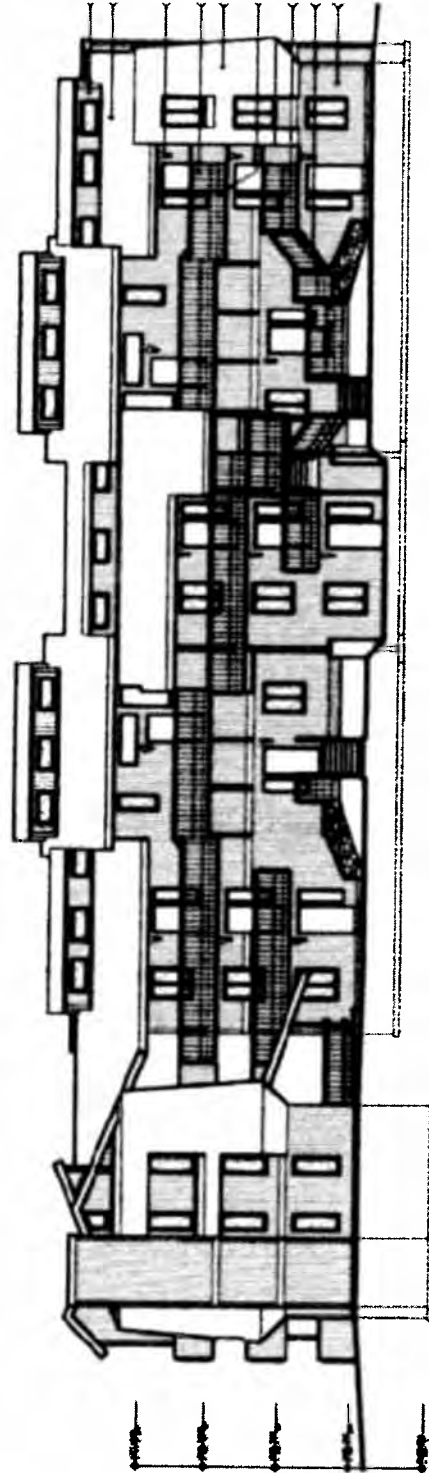
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

16. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
17. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
18. Applicant shall screen all utilities, to match the building.
19. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
20. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
21. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
22. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney.
23. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

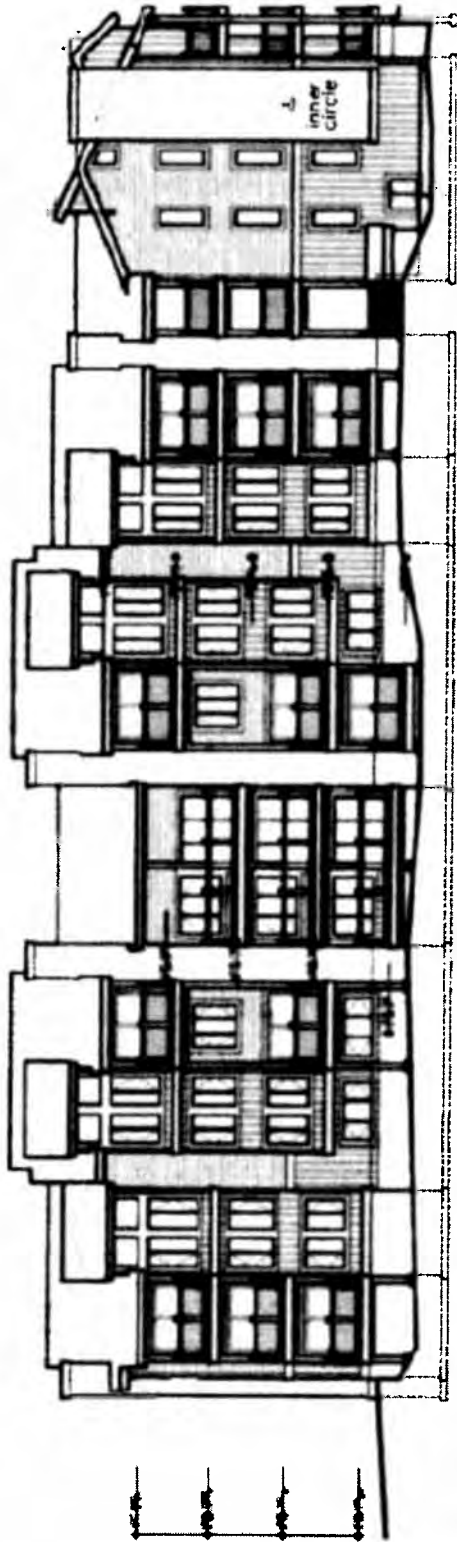




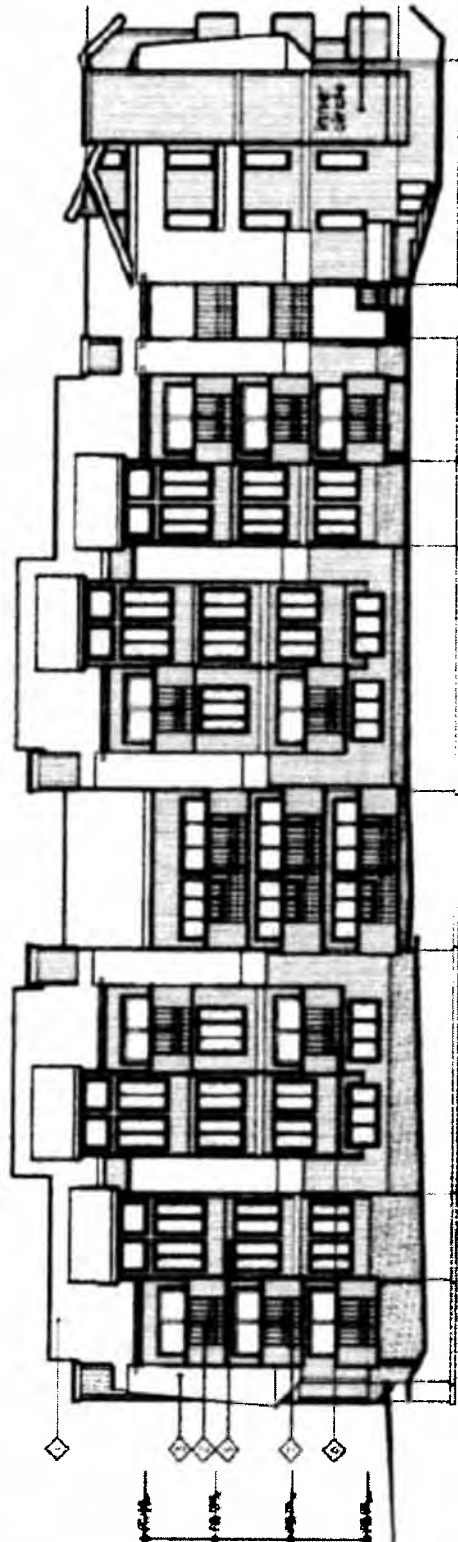
**PROPOSED BUILDINGS A & B SOUTHEAST ELEVATION**



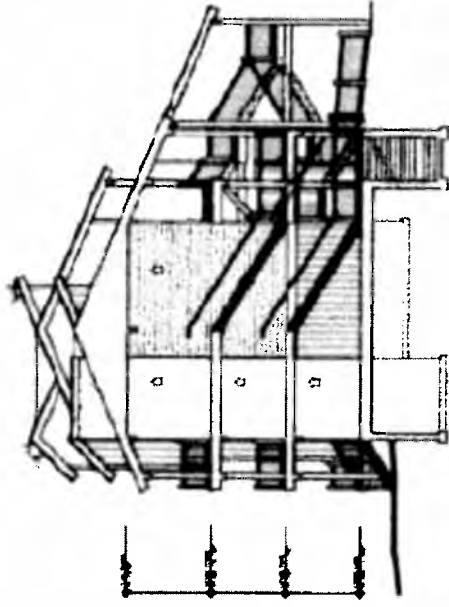
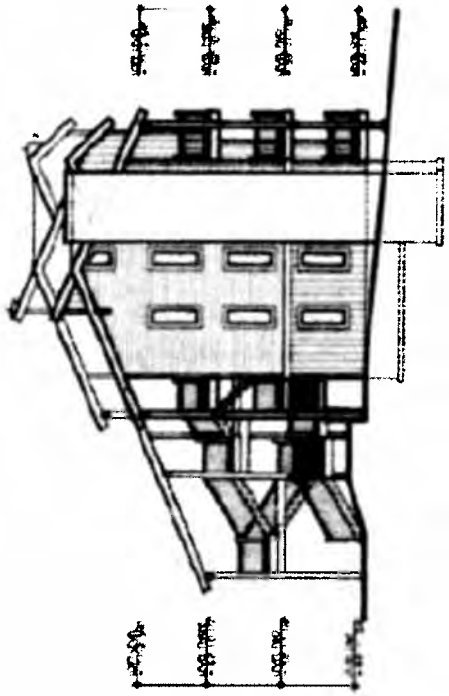
**EXISTING BUILDINGS A & B SOUTHEAST ELEVATION**



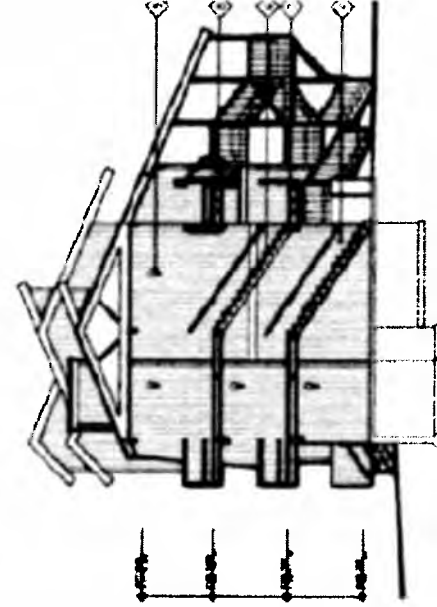
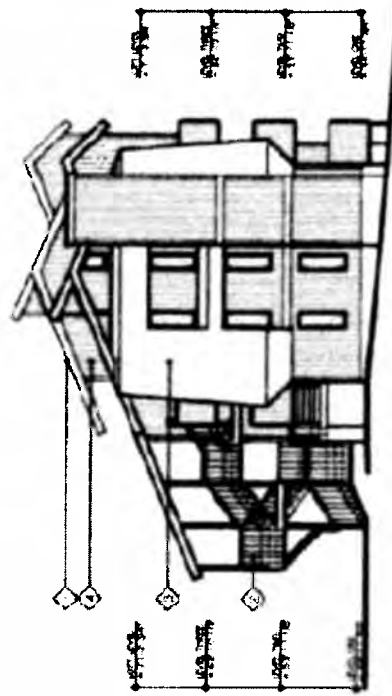
**PROPOSED BUILDINGS A & B NORTHWEST ELEVATION**



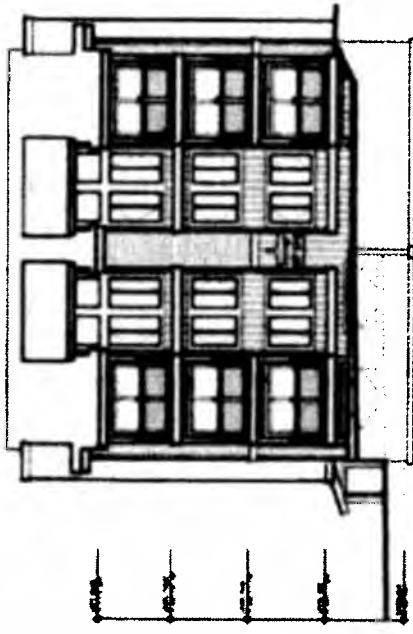
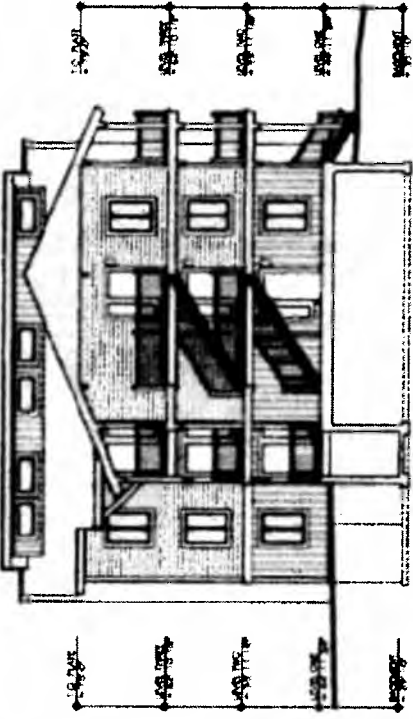
**EXISTING BUILDINGS A & B NORTHWEST ELEVATION**



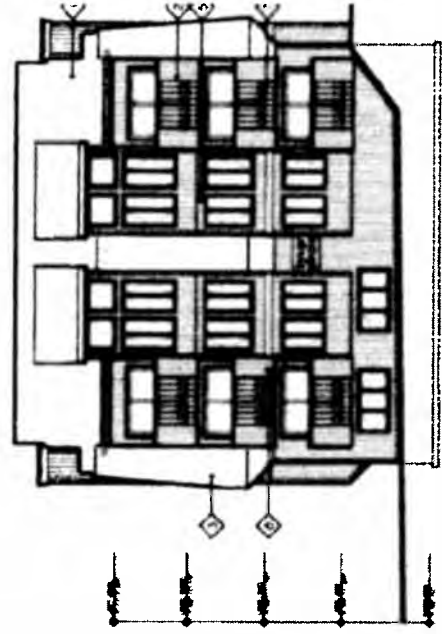
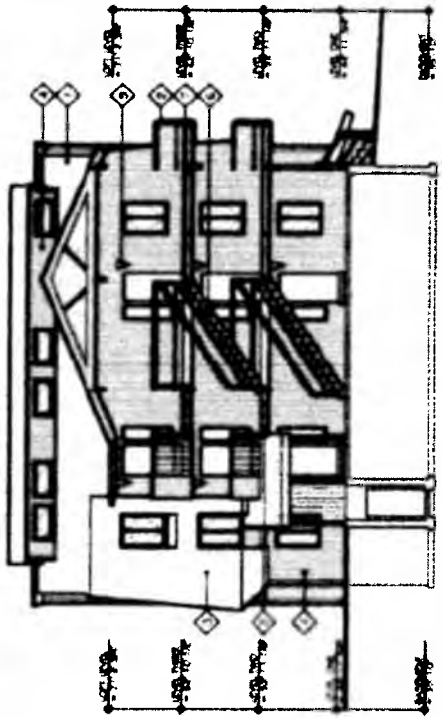
**PROPOSED BUILDING B NORTHEAST & SOUTHWEST ELEVATIONS**



**EXISTING BUILDING B NORTHEAST & SOUTHWEST ELEVATIONS**



**PROPOSED BUILDING A NORTHEAST & SOUTHWEST ELEVATIONS**



**EXISTING BUILDING A NORTHEAST & SOUTHWEST ELEVATIONS**

## Planning Commission Staff Report

- Project Manager:** Chris Kulick, AICP
- Date:** February 24, 2010 (For meeting of March 2, 2010)
- Subject:** Winter Point II Townhomes Exterior Remodel (Class C Minor, PC# 2010011)
- Applicant/Owner:** Winter Point II Homeowner's Association
- Agent:** Larry Daniels, Secretary of Winter Point II Homeowner's Association
- Proposal:** This is an exterior renovation of the existing Winter Point II Townhomes buildings. Total scope of the project includes the installation of new natural stone veneer at the base of the buildings and new exterior stain colors. A material and color sample board will be available for review at the meeting.
- Address:** 250 Primrose Path
- Legal Description:** Winter Point II Condominiums
- Site Area:** 0.815 acres (approximately 35,501 sq. ft.)
- Land Use District:** 21: Residential, 15 UPA
- Site Conditions:** The site has four three-story existing structures containing twenty-nine residential townhome units. A common driveway is located in the center of the development and the site has some existing landscaping.
- Adjacent Uses:** Multi-family residential
- Density/Mass:** No change
- Height:** No change
- Parking:** No change
- New Landscaping:** No change

### Item History

The Winter Point II Townhomes were constructed in 1981, and contains twenty-nine residential units.

### Staff Comments

Project Description: The exterior materials are outdated and the HOA would like to update their building and property with a more contemporary appearance. The building's exterior remodel and modification consists of:

- New natural stone veneer
- New color scheme

**Architectural Compatibility (5/A & 5/R):** The Winter Point II Townhomes remodel will be architecturally compatible with the land use district and surrounding residential buildings, bringing with it an updated look to the area.

**Point Analysis (Section: 9-1-17-3):** Staff conducted an informal point analysis for the Winter Point II Townhomes remodel project and found it to pass all applicable Absolute Policies of the Development Code, and found no reason to assign any positive or negative points under any Relative policies.

#### **Staff Action**

Staff has approved the Winter Point II Townhomes Remodel, PC#2010011, located at 250 Primrose Path, Winter Point II Townhomes, with the standard findings and conditions.

## TOWN OF BRECKENRIDGE

Winter Point II Townhomes  
Exterior Remodel  
250 Primrose Path  
PERMIT #2010011

### FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **February 24, 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 **March 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 months from date of issuance, on **September 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 eighteen months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
6. Applicant shall not place a temporary construction or sales trailer on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

8. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
9. **No existing trees are authorized for removal with this plan. Applicant shall preserve all existing trees on site.**

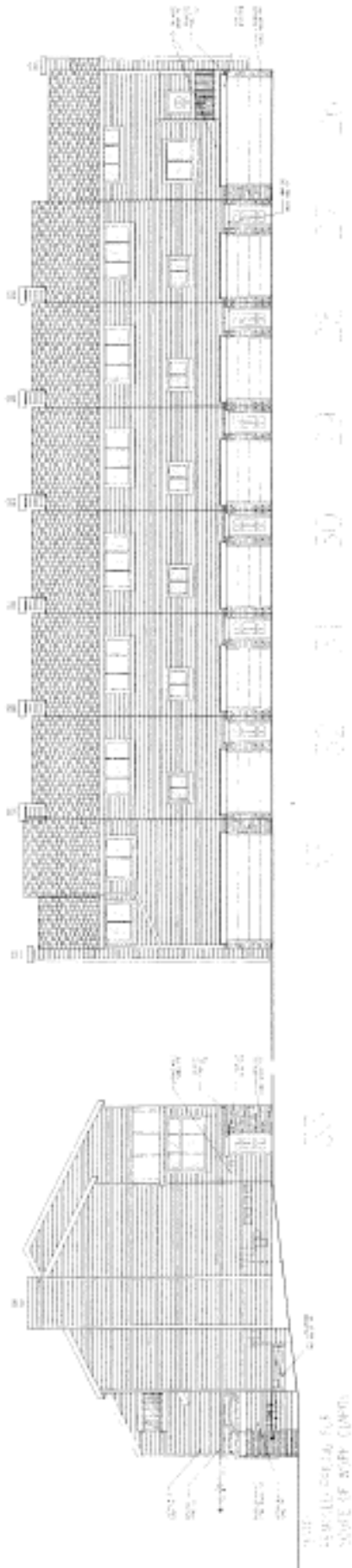
PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall submit proof of ownership of the project site.
11. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
12. Applicant shall identify all existing trees that are specified on the site plan to be retained by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
13. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
14. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. **No staging is permitted within public right of way without Town permission.** Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
15. Applicant shall execute a License running with the land, in a form acceptable to the Town Attorney, for all improvements within the Town owned Rights-of-Way.
16. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site, if light fixtures are new or replaced. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.



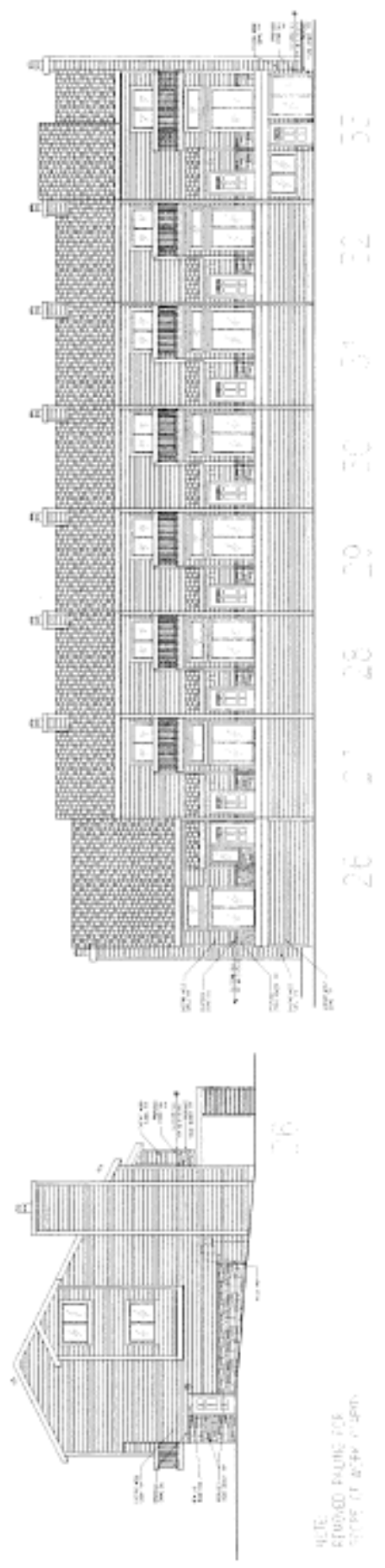
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

17. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
18. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
19. Applicant shall screen all utilities, to match the building.
20. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
21. 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.
22. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
23. 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.
24. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

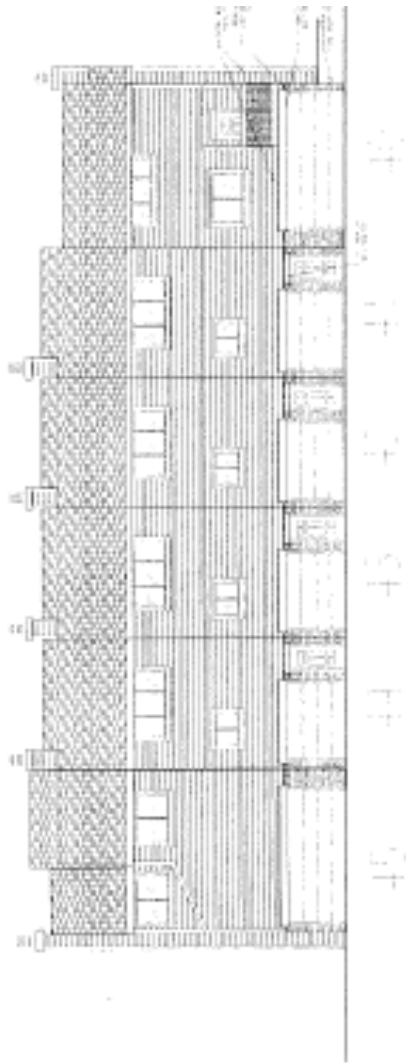


**4** PROPOSED SIDE ELEVATION-BUILDING #5

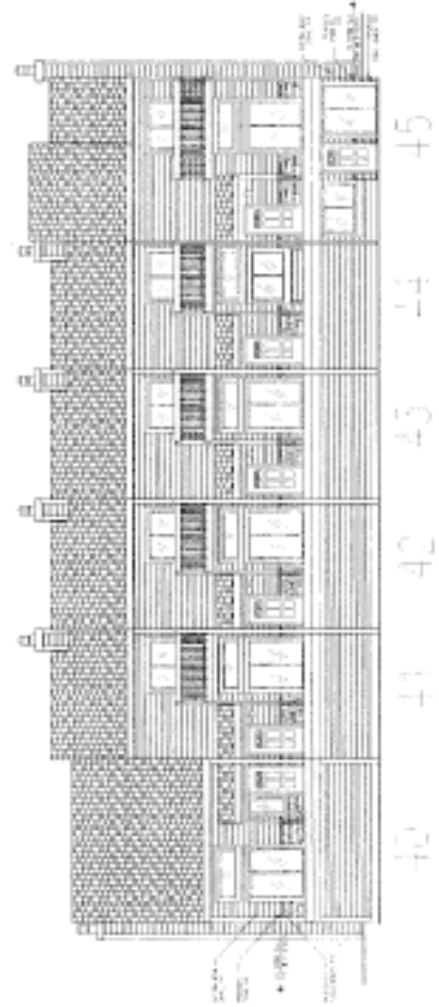
**3** PROPOSED SIDE ELEVATION-BUILDING #5



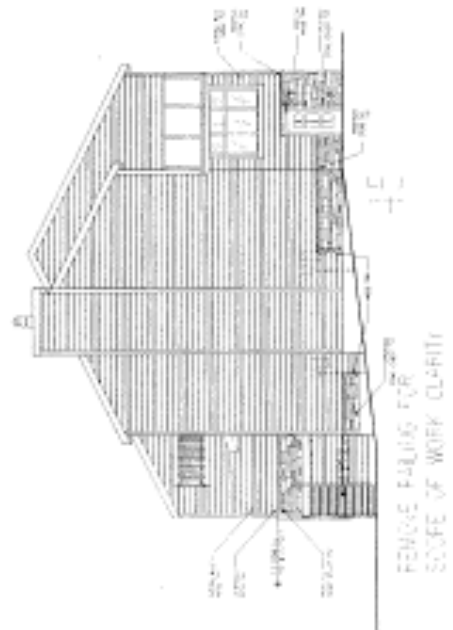
NOTE:  
 STUCCO PAINTING FOR  
 SIDE OF BLDG #6

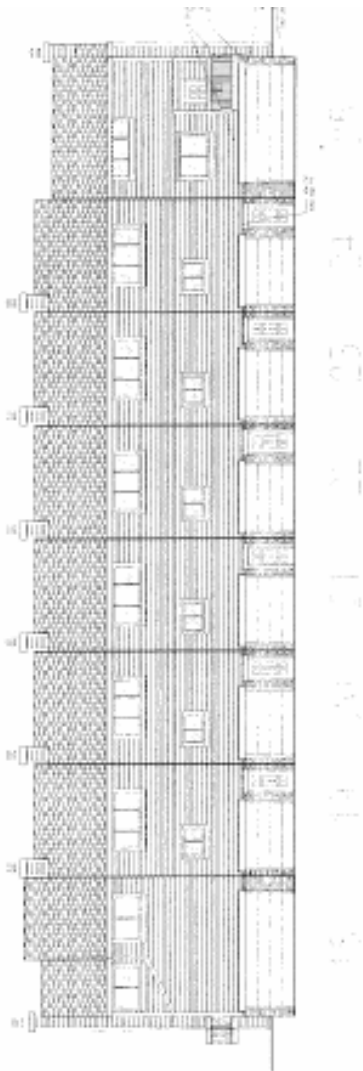


**3** PROPOSED REAR ELEVATION-BUILDING 25

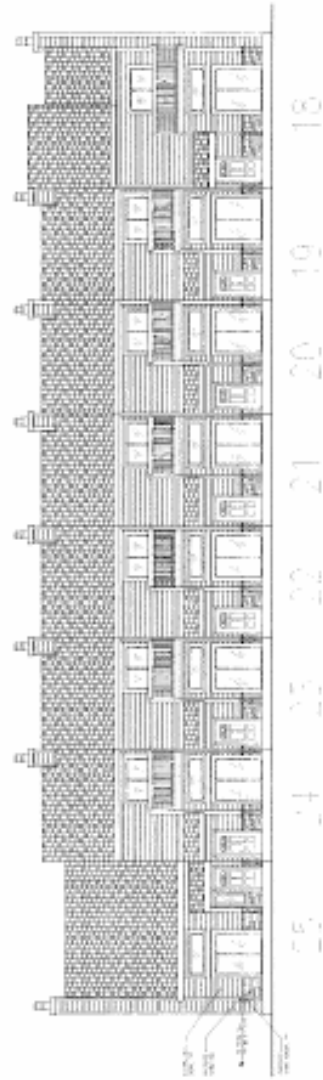


**4** PROPOSED SIDE ELEVATION-BUILDING 25





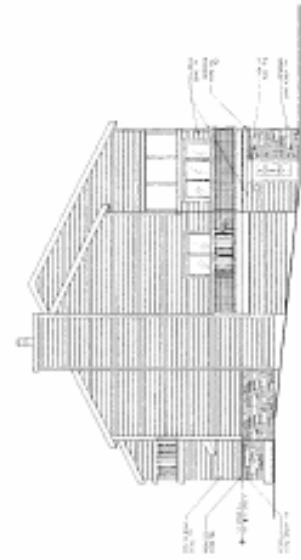
4 PROPOSED REAR ELEVATION-BUILDING 40



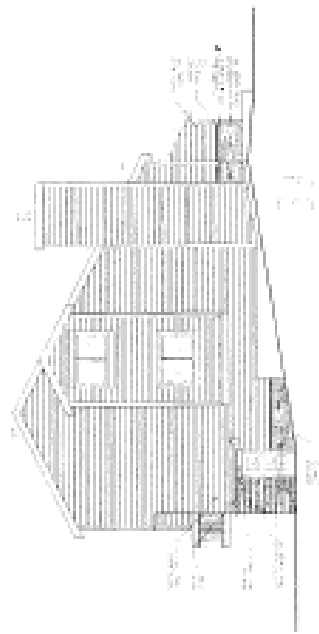
3 PROPOSED SIDE ELEVATION-BUILDING 40



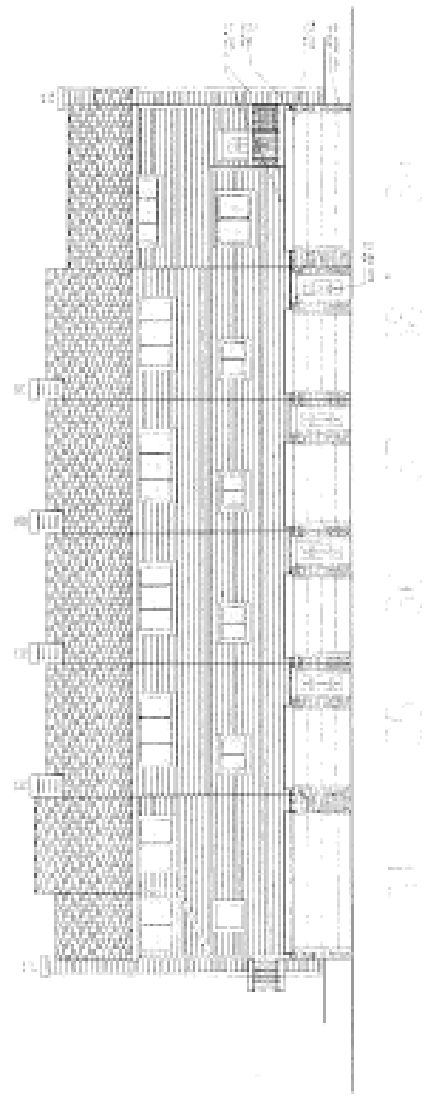
4 PROPOSED SIDE ELEVATION-BUILDING 43



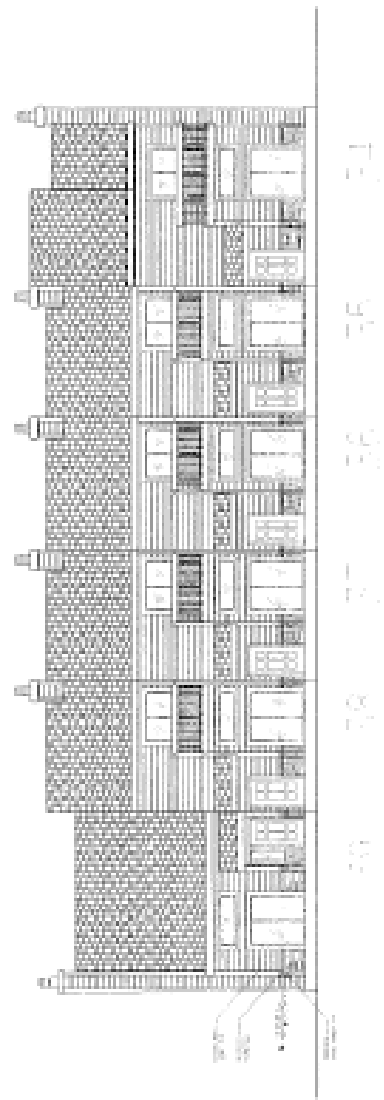
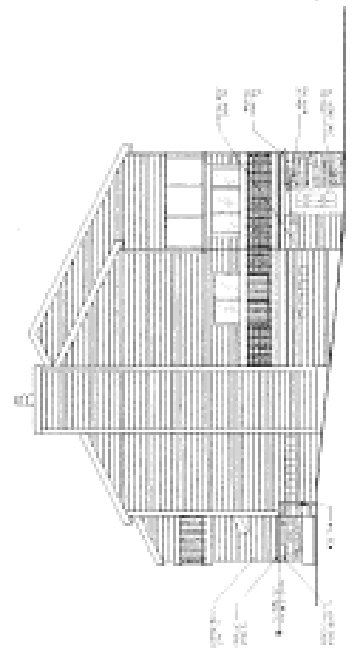
3 PROPOSED REAR ELEVATION-BUILDING 43

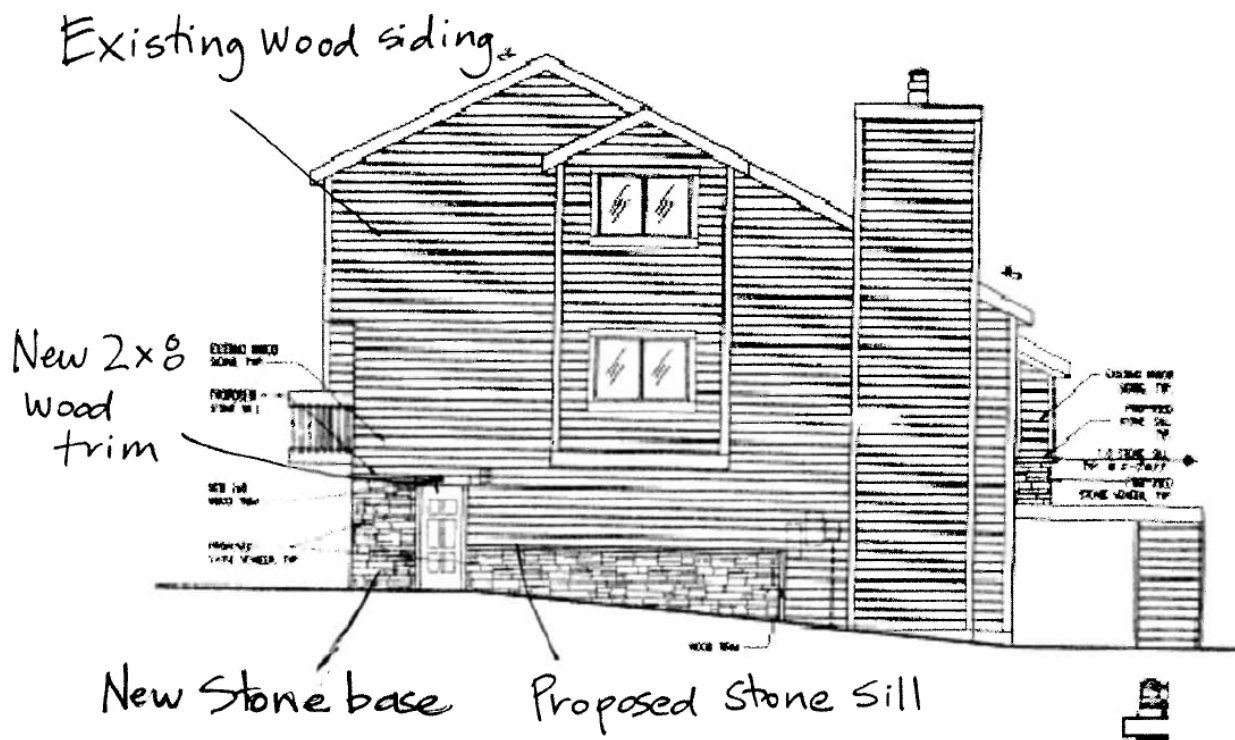


4 PROPOSED SIDE ELEVATION-BUILDING 45



3 PROPOSED REAR ELEVATION-BUILDING 45





# MEMO

---

Date: February 25, 2010  
To: Planning Commission  
From: Michael Mosher, Planner III, Community Development  
Subject: Review of Transition Standards “Overview” portion

---

The Commission last reviewed modifications to the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” on February 2, 2010. Staff reviewed the overall direction of the proposed revisions and specifics for the proposed Transition Area Standards for #9, the proposed “North Main Transition Area and #11”, the “North End Residential Transition Area”.

As we mentioned previously, the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” will be substantially revised prior to final adoption.

We heard the Commission’s concerns about respecting the Town’s historic grid, support for the 13.5 UPA above ground and increased building height. These have been added to the “Overview” portion of the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District”.

Ultimately, the goal is to create two separate handbooks; one for the Historic District (including each individual Character Area) and one for the Transition Areas (including each individual Transition Area).

Under separate cover is copy of:

1. The “Overview” portion of the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District”.
2. Chapters 4.0 and 5.2 of the adopted “Handbook of Design Standards for the Historic and Conservation Districts”.\*

Staff notes that Chapters 4.0 and 5.2 of the adopted “Handbook of Design Standards for the Historic and Conservation Districts” are the only sections that include policies for the Historic District **and** the Conservation District. Staff believes that these chapters should be an attachment with the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” as a part of the booklet set.

Commissioner Questions/Comments from the February 2nd worksession:

*Ms. Girvin: Can you provide some examples of the 13.5 UPA? (Mr. Mosher: There is an approved property, the Matheson residence, on South Harris Street that follows this mass and scale.) (Ms. Katz: On that particular house, I am okay with the mass and scale, but am not okay with the materials and colors.) I agree with Ms. Katz. (Mr. Neubecker: This evening, we are trying to focus on the general massing and scale in the Transition Areas overall. Most requirements may need to relax in the Transition Area. We can extend any specific requirements to include materials in particular character areas.) Can you please give an example in the North Main Transition area? (Mr.*

*Mosher: The buildings there appear more historic but with more relaxed massing and scale. This is one of the “Gateways” to Town and stricter interpretations of historic forms, more in keeping with the Conservation District Standards. There is a slightly different character in that area and the buildings were designed to meet that.) If someone wanted to develop in this area, they would need to follow these proposed standards. I think this looks fine. Under Character Area #11, would it be a priority policy to follow the historic the grid layout? (Mr. Neubecker: The grid is not addressed in that specific priority policy, but it is in the Handbook of Design Standards transition area handbook.) It should be more of a general policy. The projects identified as those that do not follow the grid are not “recent” (i.e. Wellington Square) and it needs to be updated in the text.*

*Ms. Katz: I think that materials should be addressed in the Transition Area Standards. I am fine with the density and height transitions. I agree with Ms. Girvin about the grid being important in the transition areas. (Mr. Mosher: We will look into that as a summary of the whole district.)*

*Mr. Schroder: So most people in the transition area would gain rights with these standards? (Mr. Mosher: Yes, some properties would.)*

*Mr. Lamb: Agree with the density and height increases.*

*Mr. Bertaux: Why do we want to allow bigger buildings in the transition area? (Mr. Mosher: The Town doesn’t want a hard abrupt edge around the historic district; the idea is for a gradual transition and step down in height as one approaches the historic district.) Are you only talking about the properties that are adjacent to the district, or the outside edge of the boundary? It would help to have a better map that shows the 7 character areas. (Ms. Katz: Can we also get overall district maps for our Planning Commission packets?) (Mr. Mosher: We can provide a better map for the next meeting.)*

*Mr. Pringle: The Conservation District should be inside the yellow line, which was the original old Town core. Once contemporary building started to fall within the historic district boundaries, we tightened up those boundaries to create the “conservation” area - the old Town grid. There were then transition areas that were adjacent to that. (Mr. Grosshuesch: the transition zone is supposed to mimic the scale and block orientation of the historic district, without the exact details. We are proposing that we call the area that surrounds the historic zone the “transition zones” instead of the Conservation District. We would then get rid of the references to the “conservation” zone that are misleading in the Handbook of Design Standards.) Are all of the transition zones within the conservation boundary? (Mr. Mosher: Most of them are in, some smaller portions are outside.)*

*Mr. Allen: I think we have consensus on the 13.5 UPA and height, and Commissioners are in support.*

*Mr. Rossi: How do we inform property owners that will be affected by this? Do we notice them or do they get more involved in the process as we go along? (Mr. Grosshuesch: We’ll have public hearings on this at Planning Commission and Town Council as the process progresses. We haven’t determined how much outreach we will be doing, since it could affect property rights. Generally, people are getting more permissiveness with their zoning with these standards. We just wanted to determine how extensive a change the Planning Commission is supportive of.) On number 9, how does that affect a BBC Redevelopment at a staff level? (Mr. Mosher: Currently, we ask people to consider the standards and development pattern. There is no requirement as these are not formally adopted, and BBC is outside the Transition Area.)*

We welcome any additional comments.



***(Un-adopted)* HANDBOOK OF DESIGN  
STANDARDS  
FOR THE TRANSITION AREAS  
OF THE  
CONSERVATION DISTRICT**

***("Overview" portion only - Staff Revisions - 02/25/2010)***

## **Introduction**

### **Overview**

The Town of Breckenridge has defined a series of Transition Areas surrounding the town's Historic District that serve as buffers from the impacts of development in newer areas of the community. Each of these Transition Areas exhibits different features that require slight variations in design policies.

Portions of the Transition Areas were once contained in an earlier Historic District boundary, but were designated to be Transition Areas in the Conservation District when the Historic District boundary was re-drawn in 1991. Traditionally, these areas have been a part of the town and they bear many similarities with the historic core. But historic buildings only occur as isolated buildings in a few of the Transition Areas.

In general, the Conservation District is an area where the scale and character of buildings is similar to that found in the historic core, but few historic buildings are actually found there. While it is not appropriate to consider the area an Historic District, the Town does wish to direct development such that it will contribute to the traditional character of the core of the community. A major concern is that these neighborhoods should have a human scale, enhance livability, and appear to be visually related to the traditional town core.

### **Goals for the Conservation District**

The Town holds two design goals for the Conservation District:

#### **Goal 1: To buffer the edges of the Historic District**

One purpose of the Conservation District is to protect the edges of the Historic District from development that would cause an abrupt change in character, as viewed from *within* the Historic District. In this sense, the Conservation District serves as a transition from the Historic District to outlying areas. By doing so, the integrity of the Historic District will be preserved. A key concern, therefore, is how the edges of the Historic District may be affected by development in the Conservation District. This new development should create a smooth transition from the Historic District to outlying areas. To do so, architecture should have some characteristics that are similar to those seen historically, without directly imitating the historic buildings.

## **Goal 2: To establish and enhance a sense of neighborhood identity**

Another reason for establishing the Conservation District is to retain a sense of scale and feeling of “neighborhood” such as seen traditionally in the core area, in the interest of promoting livability and stability of residential areas. Many of the recent buildings that are located in the area designated as the Conservation District convey an appealing sense of scale that is especially attractive to pedestrians and may encourage long-term occupancy. Building elements, such as porches, and landscape features, such as front yards, are examples of components of the neighborhoods that give them a sense of identity and pedestrian scale.

In some cases, however, a strong sense of neighborhood identity has not yet emerged, and in these areas the objective is to *create* a sense of neighborhood by promoting the use of design elements that will enhance the streetscape. This is especially true in those areas where a mix of uses is more likely and in new developing areas.

### **Scope of the design standards for the Conservation District**

The design standards for the Transition Areas within the Conservation District address design at a more general level than in the Historic District. The mass and scale of buildings are of particular concern, as is the orientation of structures on their sites. Other site design issues are also considered, such as the placement of parking areas. The Design Standards do not address some of the more detailed aspects of design that are a concern in the Historic District. For example, building details, doors and windows are not reviewed, except under special circumstances.

These standards apply in addition to those in the *Development Code* and other relevant policy documents. Applicants should carefully consider these other regulations while developing their design concepts. The *Development Code* uses a scoring system to determine the appropriateness of proposed development projects and as a part of that scoring system, substantial compliance with these design standards is required.

### **Priority Standards**

Some standards have a high priority and, according to Section 9-1- 19-5-A of the Development Code, projects must meet these standards in order to be considered in “substantial compliance” with the code provisions. These high priority standards have a “P” in a square adjacent to the guideline statement: **5**

Substantial compliance with the remaining non-priority designated policies is required for all developments as well. Failure to achieve substantial compliance with the non-priority policies will result in negative points being assigned to the

application pursuant to policy 5R of the Development Code. In addition to the design standards contained in this document, all of the “General Design Principles for All Projects,” pp 19-26 in the Town’s *Handbook of Design Standards for the Historic and Conservation Districts* applies to the entire Conservation District.

### **How to use the design standards**

The design standards should be used in three ways: First, when one is considering the purchase of property in the Conservation District, the design standards should be consulted to gain a general sense of the character of design that will be appropriate. In this regard, Realtors should also advise their clients of the design standards and the influence they may have upon potential development of the property.

A second, and very important consideration, is when a design is being developed for a property in the Conservation District. Property owners are encouraged to engage a professional architect at the outset to develop designs for their properties. (In most cases, an architect may be required by code. See section 9-1-17-10 of the Town Code for further information.) Designers should review the standards in detail and consult with the Community Development Department before proceeding with schematic design and they should refer to individual standards frequently during the design process. The objective should be to meet all of the design standards from the outset.

Finally, the Planning Commission and the Community Development staff will use the design standards to make determinations about the appropriateness of proposed designs prior to review by the Planning Commission and the Town Council. In formal public hearings, the Commission will refer to the standards as a part of its review of submitted designs.

## General Standards for the Transition Areas

### Impact on Historic Structures within the Conservation District

#### Policy:

Although historic preservation is not an overall objective of the Transition Areas, some individual historic buildings are found within the Transition Areas, and these are considered extremely important resources to the community. These structures, therefore, should be treated with the same level of respect as those found within the Historic District.

#### Design Standard:

**5 256** When considering alterations to individual historic buildings in the Conservation District, the design standards for the rehabilitation of historic properties, found in the Town of Breckenridge *Handbook of Design Standards for the Historic and Conservation Districts*, shall apply.

- Also note that, when planning a new building that is adjacent to historic properties, special consideration should be given to minimizing negative impacts on historic structures. Such negative impacts are usually structural, and may include undermining foundations by over-excavating or causing drainage to flow toward historic building foundations.

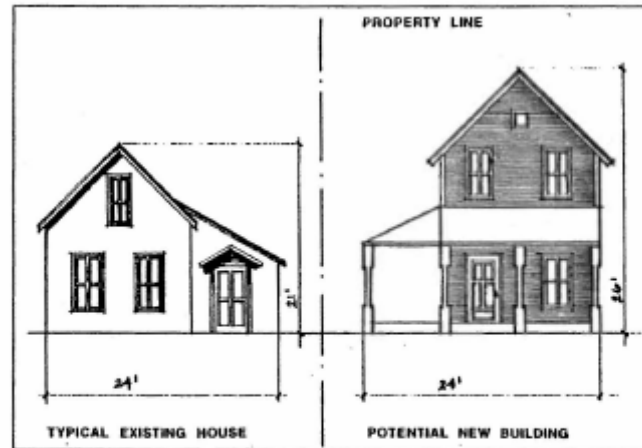
#### Design Standard:

*New buildings should be similar in scale with the historic context of the respective character area.*

**5 257** Respect the perceived building scale established by historic structures within the relevant character area.

- New buildings should step down in scale along the edges of properties that lie adjacent to smaller historic buildings.
- Also locate one-story wings along the edges of properties that abut historic buildings to reduce the perceived sense of building scale.

- Within the Transition Areas, and following the above design guidelines, a maximum overall building height of 35 feet is allowed for structures of any use.



New buildings should step down in scale along the edges of properties that lie adjacent to smaller historic properties. This side porch helps reduce the perceived scale of this new structure in relation to the adjacent historic structure.

### Impact on edges of the Historic District

#### Mass & Scale

##### **Policy:**

In their overall dimensions, new buildings in the Conservation District may be moderately larger than those in the Historic District. It remains important, however, that new building should help to enhance the sense of neighborhood and establish a pedestrian- friendly environment. To do so, buildings and their subordinate components should have a human scale. Any increase in building size, therefore, should be gradual, increasing in scale as development moves farther out from the edge of the Historic District.

- In general, structures should appear no more than 50% larger than those found in the Historic District.

- As a general rule, 13.5 UPA (50% more than 9 UPA) should represent the maximum allowed above ground density.

### **Roof and Building Forms**

#### Policy:

Historically, buildings in this part of town had simple forms. Basic rectangular shapes were seen, some in modest combinations in which one form appeared to be the main structure and smaller wings appeared as subordinate additions. New buildings should appear to be similar in form to those found traditionally in town, in order to establish a sense of visual continuity between new development and the established core. A greater variety in the interpretation of building forms is appropriate in the Transition Areas as compared with the Historic District.

#### Design Standards:

- 5 261. In residential areas, a gable roof should be the primary roof form in an individual building design.**
- Buildings that have a combination of sloping roof forms are encouraged because this configuration will help to reduce the perceived scale of building.
  - The use of dormers is encouraged to break up large roof surfaces and thereby reduce their perceived scale.
  - Mansard, A-frame, and flat roofs are inappropriate.
  - Simple combinations of gable and other roof forms are appropriate.
  - A shed roof also is inappropriate as the primary roof form. It may be considered for a subordinate roof element or a secondary structure.

### **Automobiles and Parking**

#### Policy:

The visual impacts of automobiles should be minimized throughout the Conservation District. A particular concern is that garages not dominate the primary façade.

#### Design Standards:

- 267. Minimize the visual impacts of garages.**
- Avoid locating garages such that they dominate the primary facade.

- Minimize garage door widths. When a garage door will face the street, use single car garages. (Consider parking in tandem.)
- On larger lots, orient garage doors such that they are perpendicular to the street, to minimize their visibility.
- Consider using detached garages to minimize the scale of buildings.
- See also individual guidelines for each of the Character Areas within the Transition Areas.

#### General Design Standards

##### **268. Minimize the visual impacts of driveways.**

- Keep the driveway width to a minimum. The entire front of a property should not be paving materials.
- Locate outdoor parking areas to the side or rear of the primary structure where feasible.
- Use paving materials, textures and colors that are muted and that distinguish driveways from the street. Asphalt, therefore is discouraged for use in driveways, since it is the primary street paving material. Textured and colored concrete or interlocking pavers are preferred.
- Use landscape elements to screen parking areas where feasible.

#### **Orientation to the grid**

##### **(Matches P-5 of the main Handbook)**

### **5      269 Preserve the historic town grid.**

- *The town developed in a traditional grid pattern with the Main Street as the commercial core, residential on the east side and light industry on the west. Where feasible, the streets were laid out at right angles to one another with little consideration given to topography. Curvilinear streets that follow site contours were not a part of the town's heritage in the Historic District, for example.*
- *This formal street pattern should be maintained within the District.*
- *New community focal points should be sited to take advantage of view corridors.*
- *The street grid is essentially a series of rectangles in plan, although some angled streets are found. The overall shape of a building can influence one's ability to interpret the town grid.*
- *Oddly-shaped structures, as opposed to rectilinear forms, would diminish one's perception of the grid, for example. In a similar manner, buildings that are sited at eccentric angles could also weaken the perception of the grid, even if the building itself is rectilinear in shape.*
- *Closing streets or alleys and aggregating lots into larger properties would also diminish the perception of the grid.*



## Architectural Style

**5 272 Exterior split level design styles are not traditional in character and are therefore strongly discouraged in the Transition Areas.**

- Split level design styles are not appropriate on the primary facade or oriented to the public right-of-way.
- The design style may be used in limited amounts on the back of buildings if it is not visible from a public right-of-way or public areas like the River Walk.
- On sloped sites, the front facade shall appear as a full story, starting from near the grade.

## Building Materials

Design Standard:

**5 272 Use materials that appear to be the same as those used historically.**

- Greater variety in materials may be considered in the Transition Areas than in the Historic District.

## Building Widths

Policy:

In general, buildings may be wider than those seen in the Historic District, however, the primary façade that faces the street should appear similar in width to those seen traditionally. All facades also should be composed of a series of smaller wall planes that repeat proportions of façades found on historic buildings in the Historic District. Composing a design to be a combination of familiar widths is therefore encouraged.

In predominantly residential neighborhoods, which typically are located on the east side of Main Street, residential building styles are typical. In some commercial neighborhoods, like the 100 block of South Main Street, commercial storefronts are typical. These establish the typical facade widths that should be respected in these contexts.

## Solid-to-Void Ratio

Policy:

Traditionally, most buildings in Breckenridge appeared as solid masses, with smaller openings for doors and windows cut out of the wall planes. Proportionately, the ratio of solid to void was high. This is especially true of residential structures.

Storefronts had a higher ratio of glass of the ground level, but upper stories were more like residential ratios. This relative proportion of solid-to-void should be continued, although with some flexibility, in the Transition Areas.

Design Standard:

**274. Use a ratio of solid to void that is similar to those found on historic and supporting buildings.**

- In areas abutting the Historic District, and along major pedestrian ways, similarity in the ratio of solid-to-void is appropriate. Greater flexibility is appropriate farther away from the Historic District, and on secondary facades.
- In terms of solid-to-void ratios, Transition Areas that are residential in character should relate to adjacent historic residential neighborhoods and Transition Areas that are commercial in character should relate to adjacent historic commercial neighborhoods .

### **Outbuildings**

Policy:

Smaller outbuildings were seen traditionally on many lots in the core of Breckenridge, usually located to the rear of larger primary structures. Barns, storage sheds, and outhouses were typical examples of these structures which served practical functions that were essential to daily life in the community. The scale of the primary structure is established by contrast with these smaller structures. Secondary structures are therefore important features of the Conservation District.

- Using secondary structures will help reduce the perceived scale of the development by subdividing the total floor area into a cluster of smaller structures rather than one large building.

Design Standard:

**275. The use of secondary structures in new development is strongly recommended.**

- This particularly applies to properties adjacent to the east side of the river.
- Consider housing utilitarian functions, such as parking, storage, and waste receptacles in secondary structures.
- Use simple building forms and materials for these structures.
- Consider clustering trash receptacles or other service functions in secondary structures that may be shared among properties.
- Secondary structures or Outbuildings, should be subordinate in scale, mass and appearance to the primary structures on the site.

## 4.0 DESIGN STANDARDS FOR THE REHABILITATION OF EXISTING BUILDINGS IN THE HISTORIC DISTRICT

The standards for rehabilitation of existing buildings are organized into three divisions:

### 1. General principles for rehabilitation

These apply to all existing buildings in the historic and conservation districts.

### 2. Standards for rehabilitation of residential-type structures

These apply to all residential-type structures, in addition to the General Principles for Rehabilitation.

### 3. Standards for rehabilitation of commercial-type structures

These apply to all commercial-type structures, in addition to the General Principles for Rehabilitation.

"Commercial-type" structures are those that originally were designed as a commercial building. Similarly, "residential-type" structures were designed as houses, even though today they may be used for commercial purposes.

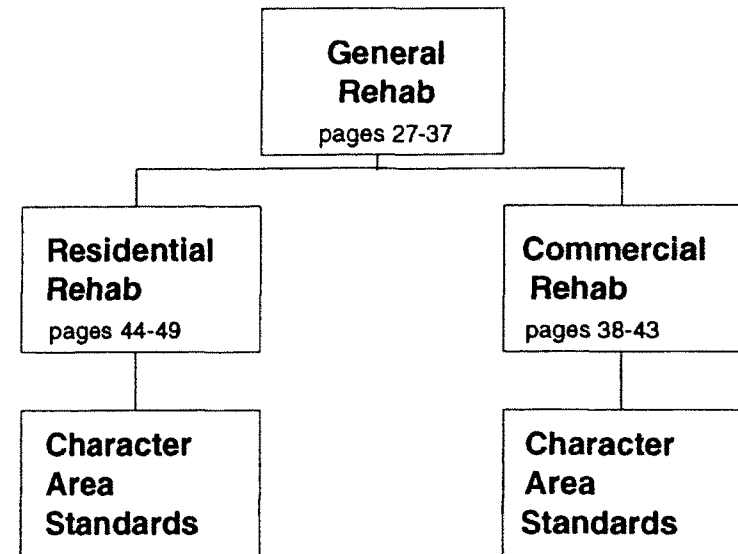
Note that all of the standards for rehabilitation used in the historic district apply to the exterior of properties. Although property owners are encouraged to preserve significant historic interiors, interior work is not reviewed for appropriateness in terms of historic preservation.

## 4.1 General principles for rehabilitation

### Choosing an approach for your rehabilitation project

#### Adaptive re-use

Converting a building to a new use that is different from that which its design reflects is considered to be "adaptive re-use." Good adaptive re-use projects retain the historic character while accommodating the new functions.

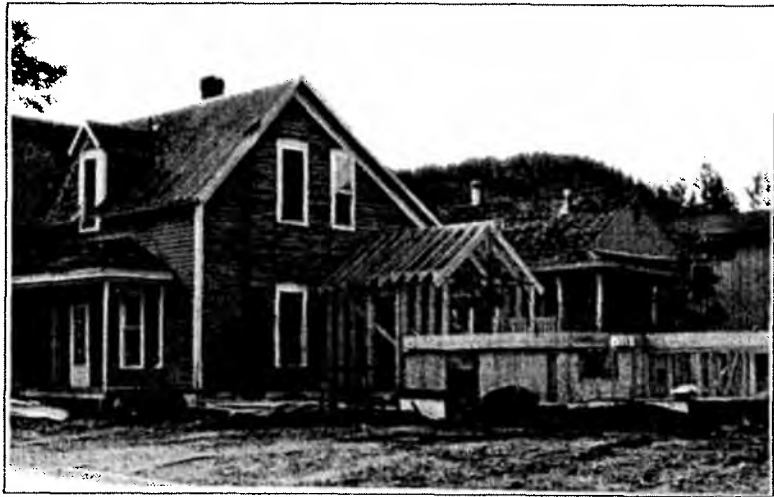


Which design standards apply to your project? Use the diagram above to identify the sections you should use. There are also individual standards booklets for each character area.

#### 4. REHABILITATION OF EXISTING BUILDINGS



Good adaptive re-use projects retain the historic character while accommodating new functions.



This rehabilitation project includes an addition that is separated from the original structure by a small connector, thus the historic scale and character are preserved.

##### **Preservation**

The act or process of applying measures to sustain the existing form, integrity and material of a building or structure, and the existing form and vegetative cover of a site is defined as "preservation." It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

##### **Rehabilitation**

Rehabilitation is the process of returning a property to a state which makes a contemporary use possible while still preserving those portions or features of the property which are significant to its historic, architectural and cultural values. Rehabilitation may include the adaptive reuse of the building and major or minor additions may also occur. Most good preservation projects in Breckenridge may be considered a rehabilitation project.

##### **Remodeling**

To remake or to make over the design image of a building is to "remodel" it. The appearance is changed by removing original detail and by adding new features that are out of character with the original. A remodeling project is inappropriate on historic buildings in Breckenridge.

##### **Renovation**

To "renovate" means to improve by repair, to revive. In renovation, the usefulness and appearance of the building is enhanced. The basic character and significant details are respected and preserved, but some sympathetic alterations may also occur. Alterations that are made should be generally reversible, should future owners wish to restore the building to its original design.

##### **Restoration**

To "restore," one reproduces the appearance of a building exactly as it looked at a particular moment in time; to reproduce a pure style - either interior or exterior. This process may include the removal of later work or the replacement of missing historic features. Use a restoration approach for missing details or features of an historic building when the features are determined to be particularly significant to the character of the structure and when the original configuration is accurately documented.

#### 4. REHABILITATION OF EXISTING BUILDINGS

Many successful rehabilitation projects that involve historic structures in Breckenridge may include a combination of "preservation," "restoration," and other appropriate treatments. For example, a house may be adapted to use as a restaurant, and in the process missing porch brackets may be replicated in order to restore the original appearance, while original dormers may be preserved.



This photo of the Tillet House taken in 1978 shows an imitation brick siding that obscured the historic clapboard and diminished the integrity of the structure.



After rehabilitation, the historic material is visible and the historic integrity is enhanced.

## 5. NEW CONSTRUCTION



An abrupt change in scale is inappropriate, especially where the new, larger structure directly impacts the perception of abutting historic buildings.



These same large structures also negatively affect the perceived scale of the entire district. They often weaken the pedestrian-interesting character of the district as well.

### 5.2

#### General standards for all new construction projects

These standards apply to all new construction projects within the historic district and the conservation district. The emphasis of each standard varies with its context. In general, the concern for compatibility with the historic context is stronger within the historic district, although individual historic structures are found within the conservation district and these also should be respected.

#### Building Scale

Policy:

New buildings should be similar in scale with the historic context of the respective character area.

Design Standard:

P

**80. Respect the perceived building scale established by historic structures within the relevant character area.**

- An abrupt change in scale within the historic district is inappropriate, especially where a new, larger structure would directly abut smaller historic buildings.
- Locating some space below grade is encouraged to minimize the scale of new buildings.

## Connectors

### Policy:

The design standards stipulate that larger masses should be divided into smaller "modules" and be linked with a "connector" that is subordinate to the larger masses.

### Design Standard:



#### **80A. Use connectors to link smaller modules and for new additions to historic structures.**

- The width of the connector should not exceed two-thirds the facade of the smaller of the two modules that are to be linked.
- The wall planes of the connector should be set back from the corners of the modules to be linked by a minimum of two feet on any side.
- The larger the masses to be connected are, the greater the separation created by the link should be; a standard connector link of at least half the length of the principal (original) mass is preferred. (In addition, as the mass of the addition increases, the distance between the original building and the addition should also increase. In general, for every foot in height that the larger mass would exceed that of the original building, the connector length should increase by two feet.)
- The height of the connector should be clearly lower than that of the masses to be linked. In general, the ridge line of the connector should be at least two feet less than that of the original, principal mass.
- When adding onto a historic building, a connector should be used when the addition would be greater than 50% of the floor area of the historic structure or when the ridge height of the roof of the addition would be higher than that of the historic building.

Note: The Design Standards for Additions to Existing Buildings, Policies 36-41, also apply.

**Policy:**

A standard method for calculating the exposed floor area for partially exposed floors should be utilized throughout the Conservation District.

**Design Standard:**



**80B. A development with a foundation wall that is exposed more than 2 feet above grade will be assessed a portion of its allowable above ground density to that floor of the building which is partially below grade as follows: the amount of that floor's square footage that counts against above ground density will be equal proportionally to the percentage of the perimeter of the foundation wall that is exposed more than 2 feet. (For example, if 30% of the perimeter wall is exposed more than 2 feet, then 30% of that floor's square footage shall be considered as above ground density.) If more than 50% of the foundation is exposed more than the required minimum of 6 inches under the Town's Building Code, then the entire floor area associated with the partially exposed foundation wall shall be counted as above ground density. Backfill against the foundation wall in excess of the amount necessary to effect positive drainage or to catch grade shall be considered in evaluating whether a foundation has been excessively backfilled for the purpose of thwarting the intent of this policy.**

Exceptions: Required window wells, required egress stairs, and garage doors shall not be counted towards above ground density. Also, additional exposed foundation walls beyond the requirements for an egress stair shall be evaluated on a case by case basis, with the additional amount of exposed foundation wall not to exceed 10% of the perimeter of the foundation. The use of this exemption shall be for the purpose of enhancing the aesthetics of the below grade entrance.



## Building Height

### *Important Note:*

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

### *Policy:*

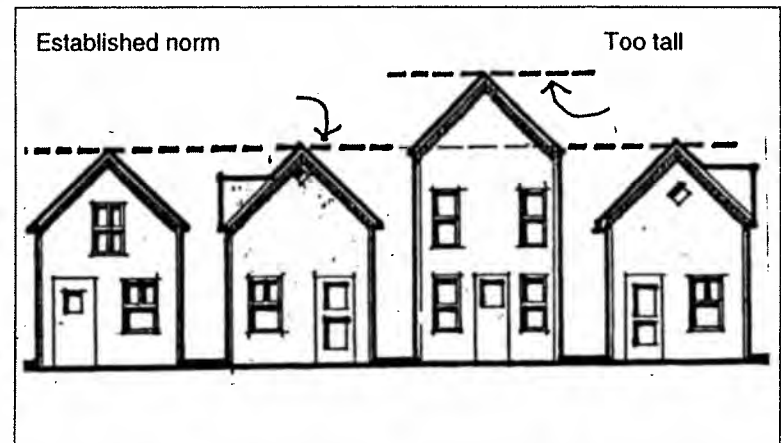
Similarity with historic building heights is an important factor that contributes to the visual continuity of the district in general and to the individual character areas specifically. New buildings should not overwhelm historic structures in terms of building height, but rather should be within the range of heights historically found along the block.

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

### *Design Standard:*

**P 81. Build to heights that are similar to those found historically.**

- This is an important standard which should be met in all projects.
- Primary facades should be one or two stories high, no more.
- The purpose of this standard is to help preserve the historic scale of the block and of the character area.
- Note that the typical historic building height will vary for each character area.



New buildings should not overwhelm historic structures in terms of height.



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

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

*Policy:*

Similarities in heights among prominent building features, such as porches and cornices, is equally as important as the similarity of overall building heights. These features often appear to align along the block and this characteristic also should be respected.

*Design Standard:*

**83. Maintain the alignment that is created by similar heights of primary roofs and porches.**

- This similarity of heights of building features established by historic buildings contributes to the visual continuity along the streetscape.

*Policy:*

The slopes of the surrounding mountains contribute to the sense of Breckenridge being nestled in a high country valley. The built form of the community should not obscure this perception and therefore building heights should "echo" land contours.

Design Standard:

**84. When viewing the town as a whole, building heights should reflect the land contours of the upper Blue River valley.**

- Taller buildings may be located on the mountain slopes; shorter (one-and-two story) buildings should be in the lower valley areas.
- The hillsides form a backdrop for the taller buildings, minimizing their perceived height, and therefore it may be appropriate for taller buildings to be located on steeper slopes; their facades should still express a human scale.
- The concept is that taller buildings are less obvious in the context of taller mountain slopes. This concept is especially relevant in transitional areas of the Conservation District, such as Highlands Terrace.

### Building Length

Policy:

New structures should be subordinate to historic buildings in their perceived length on the site. The length of the proposed building should not be seen to be appreciably greater than historic buildings in the neighborhood.

Design Standard:

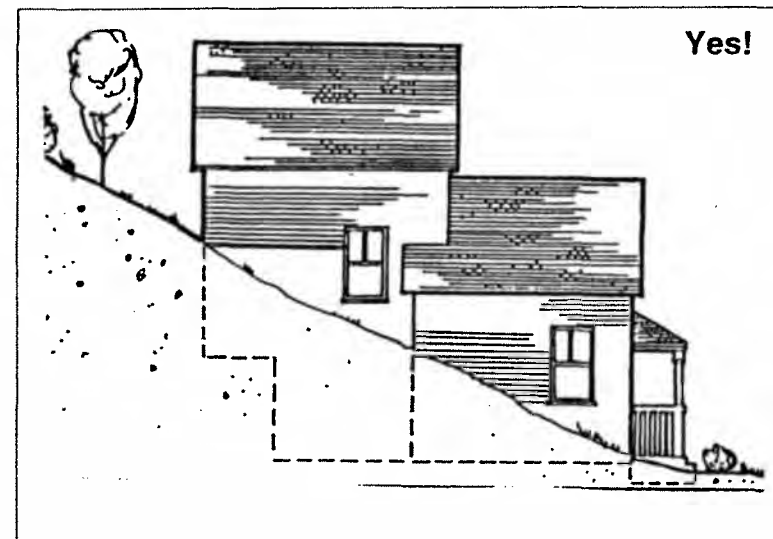
**85. Design new structures in lengths that appear similar to those found historically in the character area.**

- Create a change in roof ridge heights to keep building lengths within the range found historically.

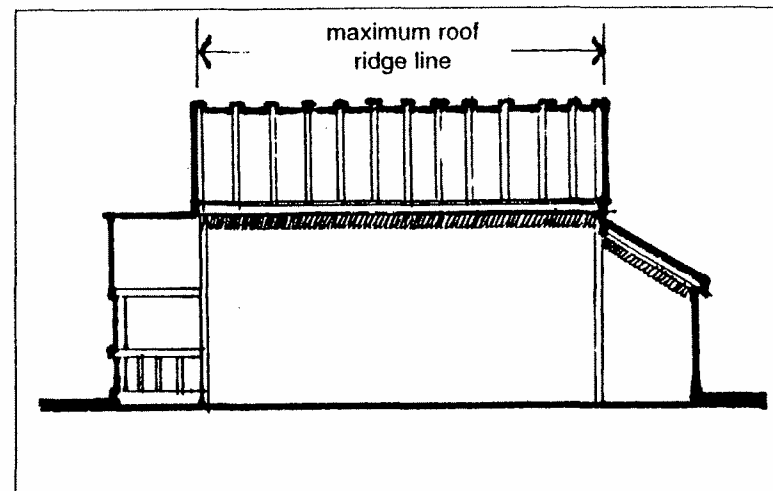
### Building Mass

Policy:

Historic and supporting buildings found in the character area should be the dominant forms that establish the perceived mass of neighborhood. New structures should not appear appreciably larger in mass than these buildings.

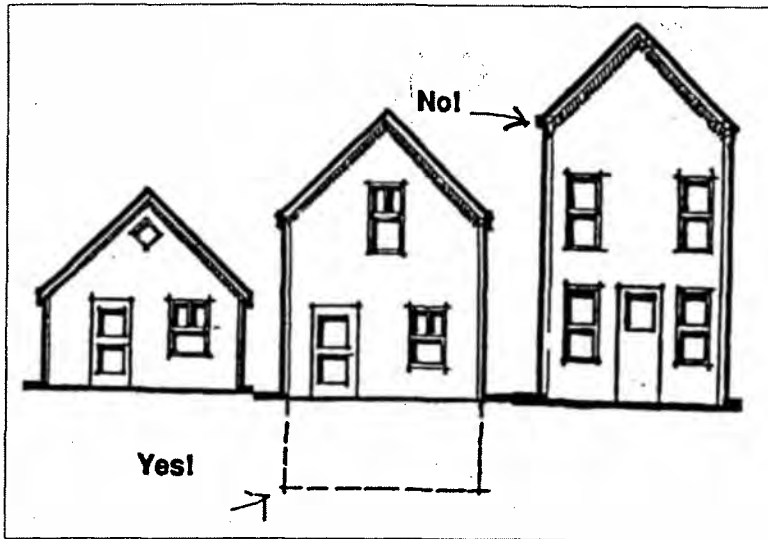


The perceived height of buildings on slopes can be reduced by stepping the building into the slope.



Design new structures in lengths that appear similar to those found historically in the character area.

## 5. NEW CONSTRUCTION



Reduce the perceived mass of buildings by placing some of the volume underground in basements.

P

Design Standard:

**86. Design new buildings to be similar in mass with the historic character area context.**

- The overall perceived size of the building is the combination of height, width and length and essentially equals its perceived volume.
- This is an extremely important standard that should be met in all projects.

### Human Scale

Policy:

New buildings should reinforce the pedestrian-oriented character of Breckenridge by conveying a sense of human scale. New buildings should continue to use the human body, and its associated scale, as the basis for determining structure size, as was done historically in town.

Design Standard:

**87. Incorporate features that help to establish a sense of human scale in new construction.**

- A sense of human scale is established by using materials and building components in sizes that are familiar. Standard brick units, for example, are perceived in a module that is understood in relation to the size of a person.
- Using windows in shapes and sizes similar to those found historically may also help establish a sense of human scale.

### Building Width

Policy:

New structures should not overwhelm historic or supporting buildings in the character area, in terms of perceived façade width. The perceived width of new buildings, therefore, should not be appreciably greater or smaller than historic buildings in the neighborhood.

Design Standard:

**P 88. Maintain the perceived width of nearby historic buildings in new construction.**

- This is an extremely important standard, which should be met.
- The proposed new building should appear to be similar in width with its historic context, as perceived from public ways.
- It is especially important that new buildings be in scale with historic buildings in the immediate vicinity. In some cases, a new project may abut a single historic structure. In this case, the project should be especially sensitive to that edge. In other situations, a collection of historic buildings in the block may establish a broader context of scale that should be respected.

Building Setbacks

Policy:

Front and side yard setbacks for new buildings should be similar to those of historic buildings in the area.

Design Standard:

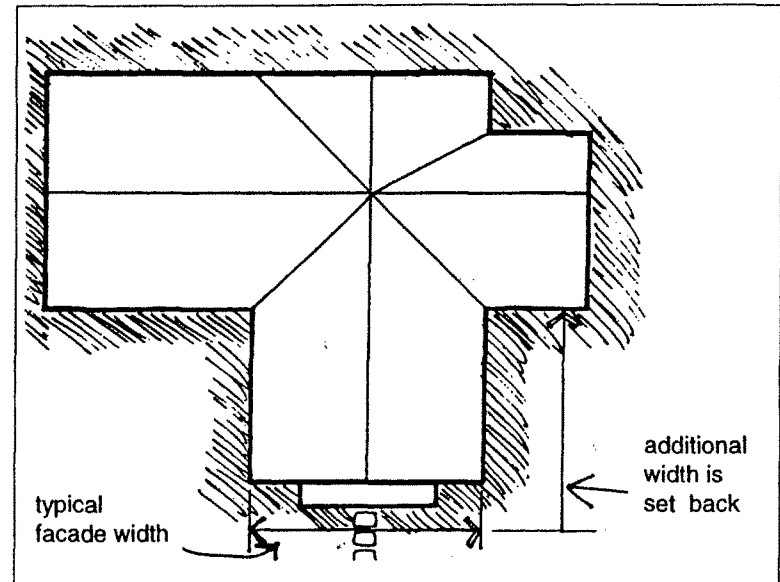
**P 89. Maintain the established historic set-back dimensions in new construction.**

- In some areas, the setbacks will be uniform and buildings will be perceived to align along the block. In such cases, this alignment should be reinforced with new development.
- In other areas, historic setbacks may vary within an established range. In these cases, new building setbacks should also fit within this range.

Building Materials

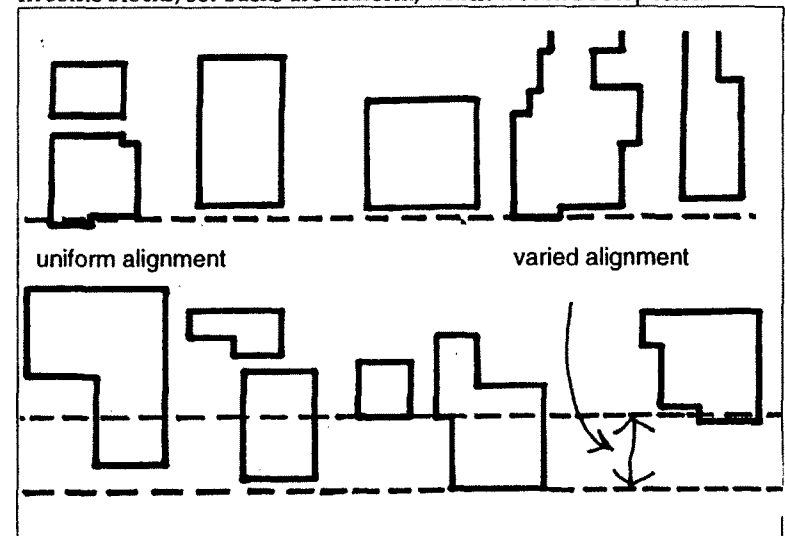
Policy:

The major building materials for new structures should appear to be similar to those of historic structures in the area.



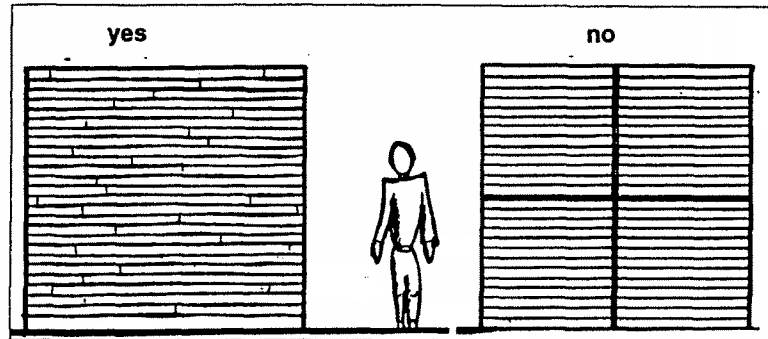
New buildings should present a primary facade to the street that is similar in width to those historic structures in existence today.

In some blocks, set-backs are uniform, which would be respected.

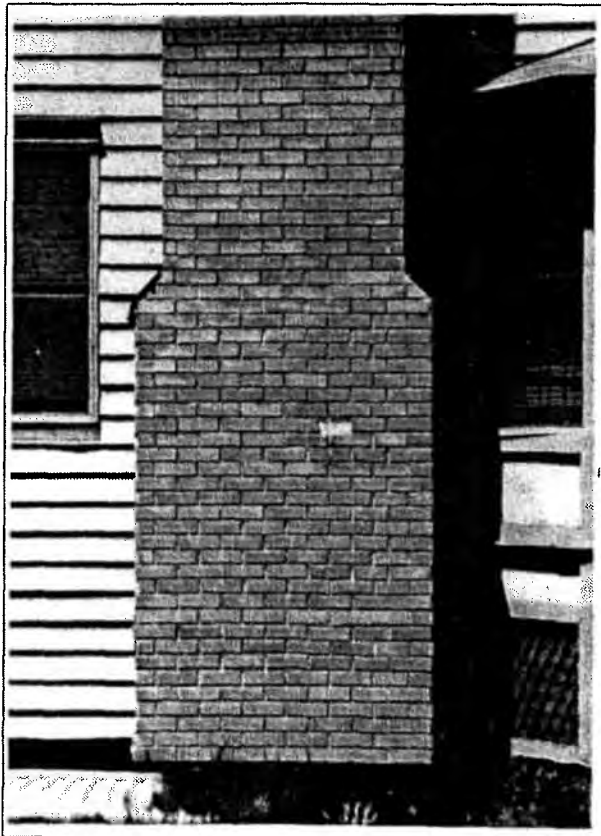


In other blocks, set-backs vary but, even so, they lie within a definite range. This varied alignment should be respected.

## 5. NEW CONSTRUCTION



New materials that are manufactured in larger panels are inappropriate where the larger module would be distinctly visible.



Brick veneer that floats above the building foundation conveys a false sense of how materials were used historically.



Design Standard:

**90. Use materials that appear to be the same as those used historically.**

- New materials that appear to be the same in scale, texture and finish as those used historically may be considered.
- Imitation materials that do not successfully repeat these historic material characteristics are inappropriate.

### Architectural Details

Design Standard:

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

- These include windows, doors and porches.

Policy:

If ornamental details are to be used that are similar to those used historically, they should appear to be functional in the same manner in which they originally occurred. Ornamental details should appear to perform an obvious function. Traditionally, decorative brackets were used to support overhanging cornices, for example. Today, when such details are applied, they should be used in similar ways.

Design Standard:

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

- Thin, fake brackets and strap work applied to the surface of a building are inappropriate uses of these traditional details.

Policy:

Non-historic, small scale ornamentation should relate to the visual characteristics of neighboring historic buildings. They should be simple in their design.

Design Standard:

**93. Avoid the use of non-functional or ornamental brick-a-brac that is out of character with the area.**

## Building Proportions

### Policy:

Overall façade proportions should be in harmony with their context.

### Design Standard:

**94. Design overall façade proportions to be similar to those of the historic and supporting buildings in the character area.**

- The overall proportion is the ratio of the width to the height of the building, especially the front facade.
- Historically, a typical building front in the commercial core had a vertical emphasis. Upper story windows often reinforced this orientation. Some horizontal elements, such as moldings above display windows and upper cornices, balanced this emphasis to some extent.
- In residential areas, the earliest structures, from the Settlement and Camp Phases, tended to have a horizontal emphasis. Later, Town Phase architecture tended to have a vertical emphasis.

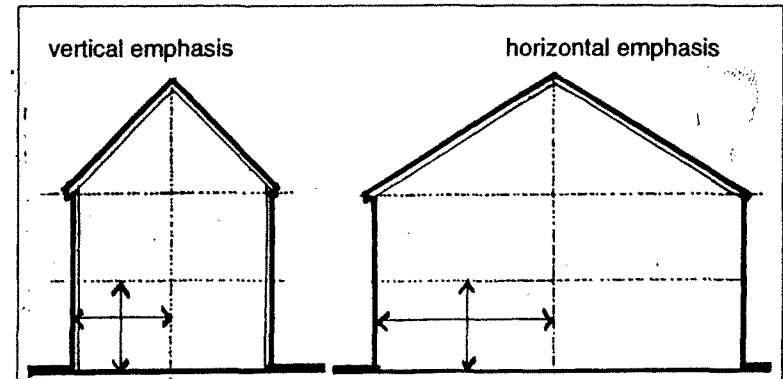
### Policy:

Similarly-sized windows and doors, when repeated down the street, help to establish a rhythm, or sense of visual continuity in the district. The ratio of the width to height of windows and doors should be similar to those in the context.

### Design Standard:

**P 95. The proportions of window and door openings should be similar to historic buildings in the area.**

- **This is an important design standard.**
- These details strongly influence the compatibility of a building within its context.
- Large expanses of glass, either vertical or horizontal, are generally inappropriate on commercial or residential buildings. Oversized doors that would create a "grand entry" are also inappropriate.



Design facades to have proportions similar to those seen historically in the area.

## 5. NEW CONSTRUCTION



This new facade has a solid-to-void ratio that is not similar to that of historic buildings in the area. This ratio is inappropriate.

### Policy:

The amount of facade devoted to wall surface as compared to that devoted to openings should be compatible within the neighborhood and with the function of the building.



### Design Standard:

**96. Use a ratio of solid to void that is similar to those found on historic and supporting buildings.**

### Architectural Style

### Policy:

Designs that are compatible yet distinguishable from the original historic buildings should be encouraged. Designs that accurately convey historic styles used in Breckenridge may also be appropriate.

### Design Standards:

**97. New buildings that can be interpreted as products of the present, and not false interpretations of the past, are preferred.**

- These designs must satisfactorily meet the general standards for compatibility.
- Designs that mis-use the historic design vocabulary are especially inappropriate. For example, it would be inappropriate to use an historic style for a building that is conceived to be much larger than any found historically. This would confuse the community's heritage in terms of one's understanding of the historic scale of buildings and the construction technology of the period that limited building sizes.
- Similarly, it would be inappropriate to use historic design details in ways that were never employed in the past. For example, using superficial, "glued on" decorations would be inappropriate, since traditionally, decorative elements evolved from functional features.



**98. The duplication of historic styles may be considered.**

Accurate interpretations of styles that once were found in Breckenridge may be considered if:

- The characteristic features of the style are correctly used, in terms of scale, location, materials, etc.
- They are located in a character area where such a style may have occurred historically.
- A marker is placed on the buildings indicating its date of construction.
- The design also satisfactorily meets the general standards for new construction.

**99. Avoid designs that confuse the interpretation of the history of Breckenridge.**

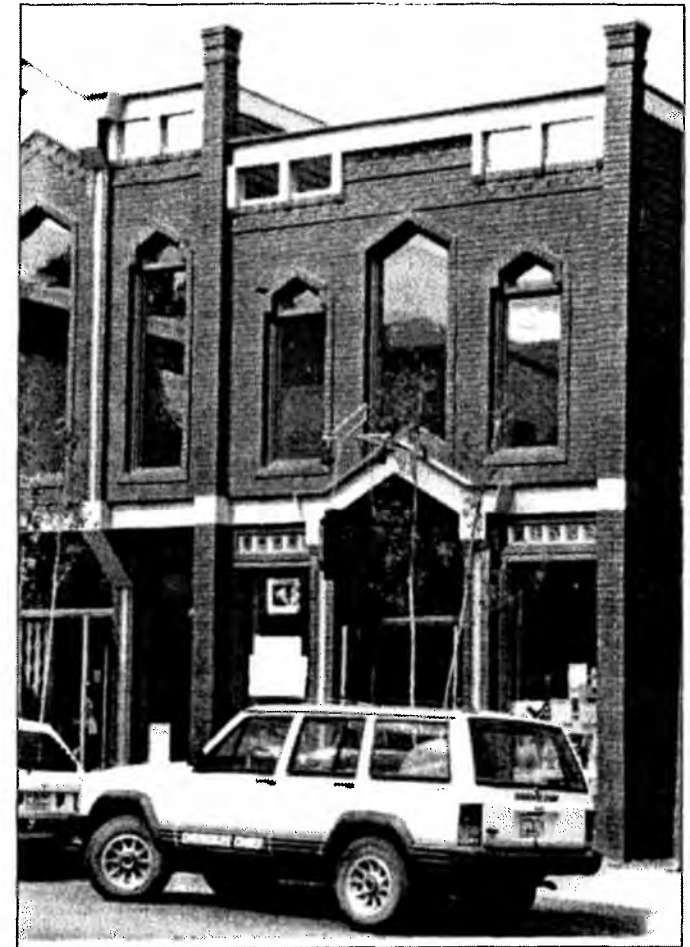
Inappropriate styles include:

- Older styles that never appeared historically in Breckenridge. These would suggest a false heritage for the community.
- Inaccurate interpretations of styles that were found historically in Breckenridge. These could distort one's appreciation for the genuine historic buildings.
- Contemporary or modern styles that conflict with the general standards for new construction in terms of overall mass, scale, materials, etc. These would alter the visual continuity of the district.

### Landscaping and Site Work

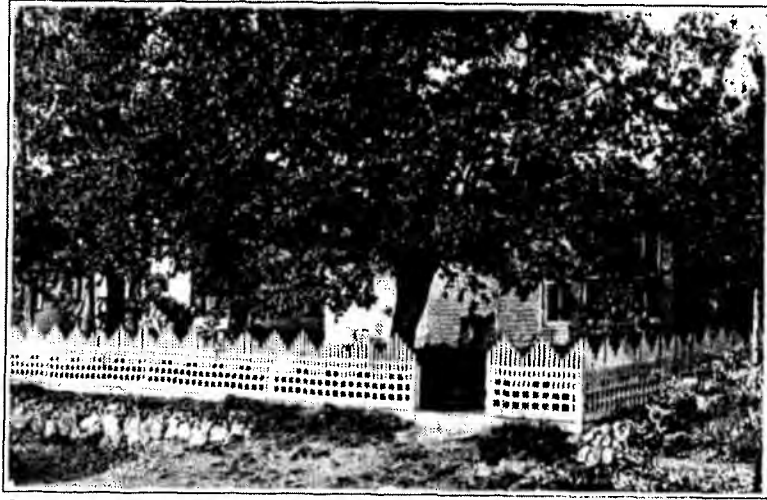
Policy:

Landscaping should reflect historic patterns of use. Traditionally, plant materials were used in residential areas. Cottonwood and evergreen trees were planted for shade and ornament. Flower gardens were seen in many front yards. Side yards were often left undeveloped, with native grass, shrubs and trees. Some formal lawn features, such as fountains and sculpture, were seen in a few yards, but generally speaking the landscaping was simple and modest, reflecting the economy and climate of early Breckenridge. Contemporary landscape concepts that convey this same simple character are encouraged.



This new facade on this portion of the Bunchman-Taylor Building on Main Street has a solid-to-void ratio that is similar to that of historic buildings in the area. It also interprets traditional building elements in a way that is compatible with historic structures and yet distinguishable from them.

## 5. NEW CONSTRUCTION



Consider using fences to define property lines.



Use modest landscape schemes that emphasize native plant materials.

Design Standards:

**100. Use landscaping to define areas of varying uses and to delineate circulation patterns on the site.**

- Screen utility equipment and service areas with elements that will be visually attractive to pedestrians.

**101. Reinforce the sidewalk edge with traditional landscape features.**

- Using fences and plantings to define property lines is encouraged.

**102. Use modest landscape schemes that emphasize native plant materials.**

- Using cottonwood trees along the street edge is encouraged.
- Planting evergreen trees, of substantial scale, is strongly encouraged in front and side yards.
- Reserve the use of exotic plants for small areas of accent.

*Note: In addition to these general standards for new construction in the historic district, see also the standards for the appropriate Character Areas, which are published as separate documents.*

Planning Commission Staff Report

Project Manager: Michael Mosher

Date: February 22, 2010 (For meeting of March 2, 2010)

Subject: Stan Miller Master Plan Modification, Class A (Combined) Final Hearing, (PC# 2010008)

Applicants/Owners: SMI LAND, LLC and Don Nilsson, Braddock Holdings, LLC

Agent: Don Nilsson, Braddock Holdings, LLC

Proposal: To modify the existing Miller Master Plan with a change in product type, and increase in density for Parcel F. The modification to the associated Subdivision is being reviewed under a separate document.

Address: 13541 Colorado State Highway 9

Legal Description: Parcel F and Tract D-2 of the Miller Subdivision

Site Area: 40.41 acres (1,760,259.6 sq. ft.) Miller Property (recently annexed)  
2.29 acres (99,752.4 sq. ft.) Tract D-2 (part of The Shores at The Highlands Subdivision)

Land Use Districts: LUD 1 and 33-North. Tract D-2 is located in LUD 6, which is part of the Delaware Flats/Highlands Master Plan. The acreages in each district are as follows:

|              |          |
|--------------|----------|
| LUD 1        | 6.12 AC  |
| LUD 33-North | 34.29 AC |
| LUD 6        | 2.29 AC  |

Site Conditions: The property was dredge-mined in the early 1900's, leaving very little vegetation, undulating dredge tailings and the Blue River in an unnatural state. Stan Miller Inc. operations have occupied the property for the past 35 years. Currently, the Blue River bisects this property from south to north along the westerly edge of the dredged mined area. The area to the west of the current river was not dredged but still lacks any notable vegetation. The property to the east of the current river is used for SMI Land, LLC (formally Stan Miller Inc.) operations including equipment storage, gravel storage, material storage, an equipment shop and office building. There is a small area near the center of the property where the only natural trees on the property exist; this area is proposed to be private open space to preserve the trees. There are no platted easements on the property.

The applicants have completed the restoration of the section of Blue River that runs along the west edge of the property. The Miller Subdivision has been recorded and the dedication of the river parcel has been transferred as Public Open Space. No further development has occurred on the property.

Adjacent Uses: North: The Shores at the Highlands Tract C - Proposed Lodge site, Red, White and Blue North station  
 East: Highway 9, Highlands Golf Course Subdivision Filing 1, and Breckenridge Building Center  
 South: Alpine Rock batch plant, Town of Breckenridge/McCain property  
 West: U.S. Forest Service property

Density Allowed: Per the Annexation Agreement - 155 units (not SFEs) over the entire development.  
 LUD 33-North - 34.29 Acres @ 4.5 UPA 154.30 SFEs  
 LUD 6 - 2.29 Acres 22.00 SFEs  
Density from LUDs 1 @ 0.1 UPA 0.61 SFEs  
 TOTAL 176.91 SFEs (Uses/units vary)

Existing:

| Parcel          | Density and Use  |
|-----------------|--|
| Parcel A        | 8 SFEs Duplex & 3 SFEs Single Family   |
| Parcel B        | 15 SFEs Townhomes (Restricted)   |
| Parcel C        | 8 SFEs Duplex (Restricted) & 12 SFEs Single Family (Restricted)  |
| Parcel D        | 6 SFEs Duplex, 16 SFEs Single Family & 3 SFEs Single Family (Restricted)                                       |
| Tract D2        | 3 SFEs Single Family (Existing Density)  |
| Parcel E        | 40 SFEs Condo/Apartment (Restricted)   |
| <i>Parcel F</i> | <i>8.25 SFEs Townhomes (Restricted),<br/>19 SFEs Single Family &amp;<br/>6 SFEs Single Family (Restricted)</i> |
| Parcel G        | Public Open Space  |
| Parcel H        | (access for BBC - no density)  |
| Parcel I        | Public Open Space  |

Proposed: *(Changes are in italics)*

| Parcel   | Density and Use  |
|----------|--|
| Parcel A | 8 SFEs Duplex & 3 SFEs Single Family   |
| Parcel B | 15 SFEs Townhomes (Restricted)   |
| Parcel C | 8 SFEs Duplex (Restricted) & 12 SFEs Single Family (Restricted)                                      |
| Parcel D | 6 SFEs Duplex, 16 SFEs Single Family & 3 SFEs Single Family (Restricted)                             |
| Tract D2 | 3 SFEs Single Family   |
| Parcel E | 40 SFEs Condo/Apartment (Restricted)   |
| Parcel F | 18 SFEs Duplex, 20 SFEs Duplex(Restricted), 6 SFEs Single Family & 2 SFEs Single Family (Restricted) |
| Parcel G | Public Open Space  |
| Parcel H | (access for BBC - no density)  |
| Parcel I | Public Open Space  |

### Item History

Council approved the Miller Annexation Ordinance, annexing the property and placing the property in LUDs 1 and 33 on January 8, 2008. An Annexation Agreement establishing the terms for the annexation was adopted by resolution and approved on January 22, 2008. A Development Agreement establishing an 18-year extended vesting period for the project was approved on February 12, 2008. The ordinance amending the Land Use Guidelines for District 33 was approved on March 11, 2008. The Master Plan was last reviewed and approved by the Planning Commission on March 4, 2008.

As part of the Annexation Agreement, modifications to the agreement are allowed with Council Review:

**PERIODIC REVIEW OF AGREEMENT.** Miller, Braddock, and Town agree that for so long as either Miller or Braddock own any of the Master Planned Property, they will meet and confer at least each five years to determine if changed conditions suggest that modifications to either this Agreement or to the Restrictive Covenants are appropriate. The parties agree to meet and confer sooner than each five years if the prevailing interest rate on a 30 year fixed rate mortgage increases above 7.5 per cent (7.5%) per annum, or thereafter by more than two percentage points at any time.

The agreement is proposed to be changed to adapt to the changing economy and sales market. This proposed amendment will have a net effect of increasing the number of deed restricted units on Parcel F from 17 to 22 and increasing the number of market units from 22 to 24, a net increase of 7 units. The 7 unit increase is proposed as adding 5 additional deed restricted units and adding 2 additional market units (by purchasing 2 additional TDR's). The uses are also amended as follows:

| TRACT F | <u>Current</u>                  |    | <u>Proposed</u>   |
|---------|---------------------------------|----|---|
|         | 22 Market Single Family         | to | 18 Market Duplex; 6 Market Single Family (+2)                   |
|         | 6 Deed Restricted Single Family | to | 4 Deed Restricted Duplex; 2 Deed Restricted SF                  |
|         | 11 Deed Restricted Townhomes    | to | 11 Deed Restricted Duplex and adding 5 additional Duplex units. |

The Commission reviewed these proposed changes during a worksession on November 17, 2009 and Town Council approved the modification, via a resolution, to the Annexation Agreement reflecting these changes on January 12, 2010.

### **Comments from the November 17, 2009 Worksession**

*Commissioner Questions/Comments:*

*Ms. Girvin: Where are the public trails located on the site plan? All of the trails are labeled private. (Mr. Mosher: Public Open Space is dedicated all along the Blue River as a separate tract; also there are public trail easements placed on the private open space on this tract.) The river frontage lots are still staying single family? (Mr. Nilsson: No, they are all going to be duplexes.) Are you sure you want to do that? It seems that river frontage would be marketable for single family and should remain flexible. (Mr. Nilsson: I think it is possible that someone may want to have a single family home in those locations. If that happens we will come back. Maybe we won't need one of our 2 TDRs if that happens.) I think that these changes are fine overall.*

*Ms. Katz: Fine with proposal.*

*Mr. Bertaux: What is the schedule on construction of Stan Miller Drive? (Mr. Nilsson: It is a requirement of Stan Miller Inc, and I can't speak for them. Our part of the drive is completed.) I appreciate the employee housing, yet there is not a commercial site out in this area or a day care which has been missed in this and other master plans and is needed for locals at this end of Town. We need to find a place at the north end of town for some small convenience commercial uses. Other than that, this is a plan I can support.*

*Mr. Lamb: I really like the Habitat for Humanity interaction. I think that this is really important to hit the AMI ratios that we need in our community. I'd encourage Mr. Nilsson to pre-wire the homes for solar. I agree with Ms. Girvin regarding still allowing potential for changing to single family homes again along the river.*

*Mr. Schroder: I had the same question as Ms. Girvin: where are the public trails and how do the private trails connect to the trail system? (Mr. Nilsson: Noted the locations of the green belts and trails on the illustrative plan. The public can use the trail and the HOA must maintain the green belts. The label on the site plan should say "private open space" and "public trails", not "private trail".) Is there public parking? (Mr. Nilsson: Yes, there is public parking near the fire station which provides additional trail access. We will make sure that this label is corrected on the plans.) I am in support of the plan and the support it brings to the community. I think that the access needs to be clarified.*

*Mr. Pringle: How does the access to Lot 18 work, it seems that there are three lots sharing the access? (Mr. Mosher: Staff had the same question, and we will look at it further at development review.) (Mr. Neubecker: Could you not go through lots 24 and 26?) (Mr. Nilsson: The original plan had a loop road / private drive that serviced those lots. We are looking at how to adjust this.) I'd be interested to see the final solution for access to lots 18, 20, 26. I agree with Ms. Girvin regarding the lots along the river and agree with the point analysis.*

*(Mr. Nilsson: The master plan doesn't say that certain home types need to go on certain lots. We could work on making it more flexible.)*

*Mr. Allen: Did you use all of the density that was transferred from the Highlands? (Mr. Nilsson: Yes.) I think that the Habitat for Humanity partnership is fantastic. I also think that there could be more flexibility in this master plan on the lots - a lot doesn't necessarily have to be labeled a single family home or a duplex. (Mr. Mosher: Staff and Commission did support this concept with the Highland Greens Master Plan. The goal would be to keep the approved ratio of affordable to market units, and the product mix can be flexible.) I encourage Town Council to continue to discuss allowing free density for affordable housing projects and also awarding positive points under Policy 24/R.*

### Public Benefits (no change)

As inducement to the Town to annex the property, the applicant will provide the following public benefits at no cost to the Town:

1. Applicant will restore the Blue River (in accordance with the Town's Blue River Restoration Master Plan and the Stan Miller Master Plan as approved by the Town) by relocating the river along the westerly boundary of the property. The reclaimed river will be vegetated with natural landscaping and a soft surface public trail will be created for the length of the corridor. The river and trail will be located within a 6.14-acre corridor to be dedicated to the Town as public open space. Timing of the river reclamation and land dedication is scheduled for 2008 and 2009. This has been completed.
2. Applicant will dedicate to the Town a new 60' wide right of way and will construct "Stan Miller Drive" within the new R.O.W. This road connects Tiger Road to Fairview Boulevard. (Not completed yet.)
3. Applicant will construct a public trail network throughout the project located on approximately 3 acres of private open space including four separate pocket parks. The trail easements will allow public access to the Blue River for residents of the project and the general public. A 10 space public parking lot and bus stops with shelters (pending approval by the Transportation Agencies) will be provided adjacent to Stan Miller Drive near the existing Red White and Blue North Station. (Not yet completed.)

### Staff Review

Since this is a Master Plan, it is subject to a Development Code based point analysis. However, this application seeks only to modify the density and use for a portion of the plan (Tract F) that should have no impact on the previously approved point analysis.

Land Use (Policies 2/A & 2/R): This property is located within Land Use Districts 1, and 33/North. The proposed Blue River corridor within the 6.12-acre Public Open Space parcel (Parcel G) has been placed in LUD1 and is for recreational uses. The proposed uses of single family, duplex, townhome and condo/apartment are consistent with the proposed Land Use Guidelines (LUGs) and are compatible with surrounding developed areas. Staff has no concerns with the proposed uses.

Density/Intensity (3/A & 3/R) / Mass (4/R): LUD 33/North recommends a maximum of 4.5 UPA. The existing overall density is 4.23 UPA. The proposed overall density is 4.43 UPA. This slight increase was reviewed and supported by the Town's Housing Committee. The overall development falls below the recommended 4.5 UPA. The density that is beyond that density existing with the Land Use District for the overall development is being provided by the Town (for the affordable units) and purchased by the

applicant for the market rate units. The assignment of density associated with the development of individual units has been added as a Condition of Approval and will be stated on the final mylar prior to recordation. Staff has no concerns.

Architectural Compatibility (5/A & 5/R): There is no proposed change to the Master Plan notes regarding architectural character. Only all-natural materials are to be allowed (no stucco, cultured stone veneer, etc.) with earth-tone colors and simple “fishing-lodge” style architecture.

Building Height (6/A and 6/R): LUD 33-North will establish the suggested building height as two-story. The Master Plan does not propose any change to this. Staff has no concerns.

Site and Environmental Design (7/R): All of the developed area is to occur on the portions of the site disturbed by previous dredging. Except for the partial reclamation of the Blue River, those portions that are in a natural state shall remain. Additionally, all of the developed area (development sites, ROW, and associated common space) is to be reclaimed and restored to a more natural appearing state during construction. For the restoration of the Blue River, positive four (+4) points have been awarded under this policy.

Placement Of Structures (9/A & 9/R): As we have seen with some other deed restricted housing projects, portions of the proposed development plan do not meet Town minimum lot size and residential setbacks in all cases. The concept for this project is to create an integrated deed restricted and unrestricted mixed residential neighborhood with a unified architectural theme. The intent is to provide active green spaces and trails throughout the project and create visual harmony where restricted units are undistinguishable from the market units. This concept coupled with a 75% deed restricted, 25% unrestricted unit mix, as required by the annexation agreement, generate the need for smaller lot sizes in some cases (similar to the Wellington Neighborhood). This also helps reduce infrastructure costs.

Per Section 9-2-4-5 of the Subdivision Code:

C. Lots for residential uses and all lots located within residential neighborhoods shall be a minimum of five thousand (5,000) square feet in size, except lots created through the subdivision of townhouses, duplexes, or building footprint lots created as part of a single-family or duplex master plan or planned unit development, which are exempt when the lot and project as a whole is in general compliance with the Town comprehensive planning program and have little or no adverse impacts on the neighborhood.

Inherent with smaller lot sizes, the suggested building setbacks, as described in the Development Code, become an issue. During the final review of the Master Plan, the applicant was approved with an exception from both the relative and absolute setback requirements as provided for in sections 9-1-19-9 (Absolute) C.2.c.3 and 9-1-19-9 (Relative) D.2.c.3., both read as follows:

c. Exceptions: 3) any lot created pursuant to a master plan for a single-family residential subdivision in which seventy five percent (75%) or more of the units or lots within the subdivision are encumbered by an employee housing restrictive covenant which is in compliance with the provisions of policy 24 “(Relative) Social Community” of this section, and all other relevant town employee housing standards and requirements.

There is no proposed change to this portion of the Master Plan. We note that negative nine (-9) points are still incurred for not meeting the relative setback requirements.



The illustrative plan shows the proposed duplexes where there were once single family homes on Parcel F. The separation between units is shown with a minimum 20-feet between structures. At the last meeting, Staff heard general support for the separation between the building (similar to those at the Shores Duplexes and the Highland Greens developments). We have no concerns.

Landscaping (22/A and 22/R): No changes.

Social Community (24/R): As with the previous approval, over 10% of the proposal consists of deed/equity restricted permanently affordable housing. Positive ten (+10) points were awarded on the point analysis. *(Staff notes that discussion with the Town Council has begun regarding the point assignment for “free density” associated with annexations or Development Agreements with the Town. This application is not subject to any future code changes.)*

Utilities (28/A): No changes.

Water Quality (31/A & 31/R): No changes.

Special Areas (37/A): In accordance with this policy, the applicant intends to abide with all criteria addressed in this section. The submitted plans are in accordance with this section. Staff has no concerns.

Point Analysis (Section: 9-11-7-3): Staff has found that there are no point changes to the application. This modification passes all Absolute Policies in the Development Code and has incurred positive points under Policies 7 (+4) and 24/R (+10) and negative points under Policy 6/R (-9). The point analysis shows a passing score of positive five (+5) points.

### **Staff Recommendation**

Staff recommends approval of the Stan Miller Master Plan Modification, Class A PC# 2010008 by supporting the attached Point Analysis along with the Findings and Conditions.

**Final Hearing Impact Analysis**

Project: Stan Miller Master Plan Modification - 1 (Final)  
 PC#: 2010008  
 Date: 02/22/2010  
 Staff: Michael Mosher

**Positive Points +14**

**Negative Points - 9**

**Total Allocation: +5**

Items left blank are either not applicable or have no comment

| Sect. | Policy   | Range       | Points | Comments   |
|-------|--|-------------|--------|--|
| 1/A   | <b>Codes, Correlative Documents &amp; Plat Notes</b>                                   | Complies    |        |  |
| 2/A   | <b>Land Use Guidelines</b>   | Complies    |        |  |
| 2/R   | Land Use Guidelines - Uses   | 4x(-3/+2)   |        | Complies with the amended Guidelines for LUD 33 - North    |
| 2/R   | Land Use Guidelines - Relationship To Other Districts                                  | 2x(-2/0)    |        |  |
| 2/R   | Land Use Guidelines - Nuisances  | 3x(-2/0)    |        |  |
| 3/A   | <b>Density/Intensity</b>   | Complies    |        |  |
| 3/R   | Density/ Intensity Guidelines  | 5x (-2>-20) |        | Complies with the amended Guidelines for LUD 33 - North    |
| 4/R   | Mass   | 5x (-2>-20) |        |  |
| 5/A   | <b>Architectural Compatibility / Historic Priority Policies</b>                        | Complies    |        |  |
| 5/R   | Architectural Compatibility - Aesthetics   | 3x(-2/+2)   |        | All natural materials proposed in earth tone colors.       |
| 5/R   | Architectural Compatibility / Conservation District                                    | 5x(-5/0)    |        |  |
| 5/R   | Architectural Compatibility H.D. / Above Ground Density 12                             | (-3>-18)    |        |  |
| 5/R   | Architectural Compatibility H.D. / Above Ground Density 10                             | (-3>-6)     |        |  |
| 6/A   | <b>Building Height</b>   | Complies    |        |  |
| 6/R   | Relative Building Height - General Provisions  | 1X(-2,+2)   |        | No development proposed with this Master Plan              |
|       | For all structures except Single Family and Duplex Units outside the Historic District |             |        |  |
| 6/R   | Building Height Inside H.D. - 23 feet  | (-1>-3)     |        |  |
| 6/R   | Building Height Inside H.D. - 25 feet  | (-1>-5)     |        |  |
| 6/R   | Building Height Outside H.D. / Stories   | (-5>-20)    |        |  |
| 6/R   | Density in roof structure  | 1x(+1/-1)   |        |  |
| 6/R   | Broken, interesting roof forms that step down at the edges                             | 1x(+1/-1)   |        |  |
|       | For all Single Family and Duplex Units outside the Conservation District               |             |        |  |
| 6/R   | Density in roof structure  | 1x(+1/-1)   |        |  |
| 6/R   | Broken, interesting roof forms that step down at the edges                             | 1x(+1/-1)   |        |  |
| 6/R   | Minimum pitch of eight in twelve (8:12)  | 1x(0/+1)    |        |  |
| 7/R   | Site and Environmental Design - General Provisions                                     | 2X(-2/+2)   |        |  |
| 7/R   | Site and Environmental Design / Site Design and Grading                                | 2X(-2/+2)   |        |  |
| 7/R   | Site and Environmental Design / Site Buffering   | 4X(-2/+2)   |        |  |
| 7/R   | Site and Environmental Design / Retaining Walls  | 2X(-2/+2)   |        |  |
| 7/R   | Site and Environmental Design / Driveways and Site Circulation Systems                 | 4X(-2/+2)   |        |  |
| 7/R   | Site and Environmental Design / Site Privacy   | 2X(-1/+1)   |        |  |
| 7/R   | Site and Environmental Design / Wetlands   | 2X(0/+2)    | +4     | River Restoration  |
| 7/R   | Site and Environmental Design / Significant Natural Features                           | 2X(-2/+2)   |        |  |
| 9/A   | <b>Placement of Structures</b>   | Complies    |        |  |
| 9/R   | Placement of Structures - Public Safety  | 2x(-2/+2)   |        |  |
| 9/R   | Placement of Structures - Adverse Effects  | 3x(-2/0)    |        |  |
| 9/R   | Placement of Structures - Public Snow Storage  | 4x(-2/0)    |        |  |
| 9/R   | Placement of Structures - Setbacks   | 3x(0/-3)    | - 9    | Some of the lots do not meet minimum setback requirements. |
| 12/A  | Signs  | Complies    |        |  |
| 13/A  | <b>Snow Removal/Storage</b>  | Complies    |        |  |
| 13/R  | Snow Removal/Storage - Snow Storage Area   | 4x(-2/+2)   |        |  |
| 14/A  | <b>Storage</b>   | Complies    |        |  |
| 14/R  | Storage  | 2x(-2/0)    |        |  |
| 15/A  | <b>Refuse</b>  | Complies    |        |  |
| 15/R  | Refuse - Dumpster enclosure incorporated in principal structure                        | 1x(+1)      |        |  |
| 15/R  | Refuse - Rehabilitated historic shed as trash enclosure                                | 1x(+2)      |        |  |
| 15/R  | Refuse - Dumpster sharing with neighboring property (on site)                          | 1x(+2)      |        |  |
| 16/A  | Internal Circulation   | Complies    |        |  |
| 16/R  | Internal Circulation / Accessibility   | 3x(-2/+2)   |        |  |
| 16/R  | Internal Circulation - Drive Through Operations  | 3x(-2/0)    |        |  |
| 17/A  | <b>External Circulation</b>  | Complies    |        |  |
| 18/A  | <b>Parking</b>   | Complies    |        |  |
| 18/R  | Parking - General Requirements   | 1x(-2/+2)   |        |  |

|      |  |              |     |  |
|------|--|--------------|-----|--|
| 18/R | Parking-Public View/Usage                                      | 2x(-2/+2)    |     |  |
| 18/R | Parking - Joint Parking Facilities                             | 1x(+1)       |     |  |
| 18/R | Parking - Common Driveways                                     | 1x(+1)       |     |  |
| 18/R | Parking - Downtown Service Area                                | 2x(-2/+2)    |     |  |
| 19/A | <b>Loading</b>   | Complies     |     |  |
| 20/R | Recreation Facilities  | 3x(-2/+2)    |     |  |
| 21/R | Open Space - Private Open Space                                | 3x(-2/+2)    |     |  |
| 21/R | Open Space - Public Open Space                                 | 3x(0/+2)     |     |  |
| 22/A | <b>Landscaping</b>   | Complies     |     |  |
| 22/R | Landscaping  | 4x(-2/+2)    |     |  |
| 24/A | <b>Social Community</b>  | Complies     |     |  |
| 24/R | Social Community - Employee Housing                            | 1x(-10/+10)  | +10 | More than 10% of the project is to have permanently affordable employee housing. |
| 24/R | Social Community - Community Need                              | 3x(0/+2)     |     |  |
| 24/R | Social Community - Social Services                             | 4x(-2/+2)    |     |  |
| 24/R | Social Community - Meeting and Conference Rooms                | 3x(0/+2)     |     |  |
| 24/R | Social Community - Historic Preservation                       | 3x(0/+5)     |     |  |
| 24/R | Social Community - Historic Preservation/Restoration - Benefit | +3/6/9/12/15 |     |  |
| 25/R | Transit  | 4x(-2/+2)    |     |  |
| 26/A | <b>Infrastructure</b>  | Complies     |     |  |
| 26/R | Infrastructure - Capital Improvements                          | 4x(-2/+2)    |     |  |
| 27/A | <b>Drainage</b>  | Complies     |     |  |
| 27/R | Drainage - Municipal Drainage System                           | 3x(0/+2)     |     |  |
| 28/A | <b>Utilities - Power lines</b>                                 | Complies     |     | All utility lines are to be placed underground.                                  |
| 29/A | <b>Construction Activities</b>                                 | Complies     |     |  |
| 30/A | <b>Air Quality</b>   | Complies     |     |  |
| 30/R | Air Quality - wood-burning appliance in restaurant/bar         | -2           |     |  |
| 30/R | Beyond the provisions of Policy 30/A                           | 2x(0/+2)     |     |  |
| 31/A | <b>Water Quality</b>   | Complies     |     |  |
| 31/R | Water Quality - Water Criteria                                 | 3x(0/+2)     |     |  |
| 32/A | <b>Water Conservation</b>                                      | Complies     |     |  |
| 33/R | Energy Conservation - Renewable Energy Sources                 | 3x(0/+2)     |     |  |
| 33/R | Energy Conservation - Energy Conservation                      | 3x(-2/+2)    |     |  |
| 34/A | <b>Hazardous Conditions</b>                                    | Complies     |     |  |
| 34/R | Hazardous Conditions - Floodway Improvements                   | 3x(0/+2)     |     |  |
| 35/A | <b>Subdivision</b>   | Complies     |     |  |
| 36/A | <b>Temporary Structures</b>                                    | Complies     |     |  |
| 37/A | <b>Special Areas</b>   | Complies     |     |  |
| 37/R | Community Entrance   | 4x(-2/0)     |     |  |
| 37/R | Individual Sites   | 3x(-2/+2)    |     |  |
| 37/R | Blue River   | 2x(0/+2)     |     |  |
| 37/R | Cucumber Gulch/Setbacks  | 2x(0/+2)     |     |  |
| 37/R | Cucumber Gulch/Impervious Surfaces                             | 1x(0/-2)     |     |  |
| 38/A | <b>Home Occupation</b>   | Complies     |     |  |
| 39/A | <b>Master Plan</b>   | Complies     |     |  |
| 40/A | <b>Chalet House</b>  | Complies     |     |  |
| 41/A | <b>Satellite Earth Station Antennas</b>                        | Complies     |     |  |
| 42/A | <b>Exterior Loudspeakers</b>                                   | Complies     |     |  |
| 43/A | <b>Public Art</b>  | Complies     |     |  |
| 43/R | Public Art   | 1x(0/+1)     |     |  |
| 44/A | <b>Radio Broadcasts</b>  | Complies     |     |  |
| 45/A | <b>Special Commercial Events</b>                               | Complies     |     |  |

**TOWN OF BRECKENRIDGE**

**Stan Miller Master Plan  
13541 Colorado State Highway 9  
Miller Property and Tract D-2, The Shores at The Highlands Subdivision  
PERMIT # 2010008**

**STAFF RECOMMENDATION:** Staff recommends the Planning Commission approve this application with the following findings and conditions.

**FINDINGS**

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated February 22, 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 March 2, 2010 as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.

**CONDITIONS**

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. The vested period for this master plan expires eighteen (18) years from the date of the original Town Council approval, on **April 22, 2026**, in accordance with the vesting provisions identified in the Development Agreement as approved by Town Council on February 12, 2008. In addition, if this permit is not signed and returned to the Town within thirty (30) days of the permit mailing date, the permit shall only be valid for eighteen (18) months, rather than eighteen (18) years.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.

5. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
6. This Master Plan is entered into pursuant to Policy 39 (Absolute) of the Breckenridge Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code). Uses specifically approved in this Master Plan shall supersede the Town's Land Use Guidelines and shall serve as an absolute development policy under the Development Code during the vesting period of this Master Plan. The provisions and procedures of the Development Code (including the requirement for a point analysis) shall govern any future site specific development of the property subject to this Master Plan.
7. Approval of a Master Plan is limited to the general acceptability of the land uses proposed and their interrelationships, and shall not be construed to endorse the precise location of uses or engineering feasibility.
8. Concurrently with the issuance of a Development Permit, applicant shall submit a 24"x36" mylar document of the final master plan, including all maps and text, as approved by Planning Commission at the final hearing, and reflecting any changes required. The name of the architect, and signature block signed by property owner of record or agent with power of attorney shall appear on the mylar.
9. Applicant shall record with the Summit County Clerk and Recorder a mylar document reflecting all information in the approved Master Plan. The mylar document shall be in a form and substance acceptable to the Town Attorney, and after recording shall constitute the approved Master Plan for the future development of the property. This mylar shall include notes identifying the architectural character as identified in the final staff report dated April 9, 2008 and a note identifying the Illustrative Plan as part of the Master Plan notice of recordation and that it will act as the document defining the development pattern for this phased project.
10. Prior to its recording, the mylar described in Condition 9 shall be revised to provide that the 157 SFEs of density required for the full development of the Master Planned Property shall be provided as follows: (i) 48 SFEs already exist on the Master Planned Property by virtue of its prior zoning; (ii) 100 SFEs shall be provided by the Town for development of the Restricted Units; and (iii), if required to complete the development of the 57 Unrestricted Units, 9 Transferable Development Rights shall be purchased by the Applicant and the density associated with such Transferrable Development Rights appropriately transferred to the Master Planned Property. The 100 SFEs of density to be provided by the Town shall be transferred to the Master Planned Property by the Town prior to the issuance of a development permit for the construction of the first of the Restricted Units. The 48 SFEs of existing density may be used by Applicant in connection with the issuance of development permits for the Unrestricted Units. Any Transferrable Development Right required for the construction of an Unrestricted Unit shall be purchased by the Applicant and the density associated with such Transferable Development Right transferred to the Master Planned Property prior to the issuance of a development permit for the construction of the Unrestricted Unit for which the density is required. All capitalized terms used in this Condition No. 10 that are defined in the "Amended and Restated Annexation Agreement" for the Master Planned Property shall have the meanings provided in the Amended and Restated Annexation Agreement.
11. Applicant shall pay a fee, established by the Town's Engineering department, to the Town in lieu of burying the existing overhead utility lines that lie to the east most portion of the property.
12. As part of the site improvements associated with this Master Plan and the associated Subdivision, the applicant shall to abide with all criteria of Policy 31 (Absolute and relative) Water Quality. In addition, a water quality report will be submitted and approved by Town staff.

## Planning Commission Staff Report

- Project Manager:** Michael Mosher
- Date:** February 24, 2010 (For meeting of March 2, 2010)
- Subject:** The Miller Re-Subdivision Tracts F and D-2, Final Hearing (PC# 2010009)
- Applicant/Owner:** SMI LAND, LLC and Don Nilsson, Braddock Holdings, LLC
- Agent:** Don Nilsson, Braddock Holdings, LLC
- Proposal:** To re-subdivide Tract F and D-2 of the existing Miller subdivision to reflect the changes proposed in the Master Plan revisions (under separate application). The boundaries of the parcels remain the same. No other changes to the overall subdivision are proposed.
- Address:** 13541 State Highway 9
- Legal Description:** Miller Subdivision and Tract D-2, The Shores at the Highlands Subdivision
- Total Site Area:** 40.41 acres (1,760,259.6 sq. ft.) Miller Property  
2.29 acres (99,752.4 sq. ft.) Tract D-2  
42.70 acres (1, 860,012 sq. ft.) Total area
- Land Use District:** 1 and 33 - North
- Site Conditions:** The property was dredge mined back in the early 1900's, leaving very little vegetation, undulating dredge tailings and the Blue River in an un-natural state. Stan Miller Inc. operations have occupied the property for the past 35 years. Currently, the Blue River bisects this property from south to north along the westerly edge of the dredged mined area. The area to the west of the current river was not dredged but still lacks any notable vegetation. The property to the east of the current river is Stan Miller Inc. operations including equipment storage, gravel storage, material storage, an equipment shop and office building. There is a small area near the center of the property where the only natural trees on the property exist; this area is proposed to be private open space to preserve the trees.
- Adjacent Uses:** North: The Shores at the Highlands Tract C - Lodge site, Red, White and Blue North  
East: Highway 9, Highlands Golf Course Filing 1, Breckenridge Building Center  
South: Alpine Rock batch plant, Town of Breckenridge McCain property  
West: Forest Service property

### Item History

Staff was approached in August 2006, by Don Nilsson (agent) and the Miller family (applicants) to review and discuss the possible annexation of the Miller property. The Town Council reviewed several proposed development plans for the annexation on January 9th, March 8th and June 12th of 2007. The development plan was modified and refined over time based on Council input and annexation policies. The Planning

Commission reviewed the proposed development plan on August 7, 2007, and adopted a motion recommending annexation of the property to the Town Council.

For the annexation process, the Town Council approved the Sufficiency Resolution on August 14, 2007, and adopted the Fact Finding Resolution on October 9, 2007. Council approved the Annexation Ordinance, annexing the property and placing the property in LUD 1 and 33 on January 8, 2008. An Annexation Agreement establishing the terms for the annexation was adopted by resolution on January 22, 2008, and a Development Agreement establishing an 18-year extended vesting period for the project was approved on February 12, 2008. An ordinance amending the Land Use Guidelines, amending LUD 33 to allow for the development of the Stan Miller property as contemplated, was approved on March 11, 2008. The amendment created new Guidelines for LUD 33 (as noted above), specific to the Miller Property, allowing the Planning Commission to consider and approve the Master Plan.

### **Staff Comments**

**Tracts:** Overall, the property is to be subdivided in two Phases over an 18-year period. This application is for the re-subdivision of Tract F and D-2. This will be Phase I. The remaining properties (Tracts A and E) will continue to be home to the current Stan Miller Inc. operations for a period of 10 or more years and will constitute Phase II.

**9-2-4-5: Lot Dimensions, Improvements And Configuration:** As mentioned in the Staff report for the Master Plan, some of the lots are being proposed with less than the minimum 5,000 square feet. Points were suggested with the review of the master Plan.

**Access/Circulation:** The Master Plan with this proposal shows the property being accessed from Stan Miller Drive, which intersects Highway 9 at Tiger Road and Fairview Blvd (a signaled intersection). Stan Miller Drive also provides access to the RWB North Fire Station and the new Breckenridge Building Center. With future plats, three internal public roads and associated trail systems will be proposed (see illustrative Master Plan Sheet). Staff has no concerns with the proposed road system.

Responding to Commissioner comments from the Master Plan Worksession on November 17, 2009, the private drive to Lots 18 and 20 has been placed centered over the shared property line minimizing the impacts to either lot. Staff has no concerns.

**9-2-4-13: Dedication of Park Lands, Open Space and Recreational Sites or the Payment of Fees in Lieu Thereof:** Tract C, 6.12 acres, shall be dedicated to the Town as Public Open Space. The proposed Public Open Space dedications exceed the minimum 10% required by the Towns Subdivision Code and will occur with the first subdivision of the property. We have no concerns.

All restoration of the Blue River has been completed and accepted by the Town. When Tracts A and B are resubdivided, the necessary connecting trail system will be platted within public access easement across private property. These portions will be maintained by the HOA board of the subdivision, not the Town.

Pending future decisions with the transportation agencies, there will be two bus stop/shelters proposed on Stan Miller Drive for either Town or County busses to use. A 10-space, public parking area allowing public access to the trail system and the Blue River will also be proposed.

**Landscaping:** Per the Subdivision Standards:

*3. In addition to the landscaping required above, the subdivider of land containing little or no tree cover as determined by the Town shall provide one tree having a minimum trunk diameter (measured 12 inches above ground level) of not less than two inches (2") suitable for the Breckenridge climate for every ten (10) linear feet of roadway platted within or immediately adjacent to the subdivision.*

With 6,650 linear feet of roadway planned, 665 trees are required by the Subdivision Standards for planting in non-wooded areas. The applicant proposes to plant the majority of these trees within the proposed trail corridors, pocket parks, river corridor and as screening around the North Fire Station and Breckenridge Building Center. These areas can be irrigated, maintained and will be safe from destruction during home construction. They prefer to see the roadside landscaping occur in conjunction with the development of the individual lots. Staff has no concerns with this concept.

**Utilities/Drainage:** The development portion of the site is to be over-lot graded to slope down towards the north at a rate of about 3% using the proposed trails and pocket parks as the conduit. Details of the drainage on each individual lot or parcel will be reviewed with the future applications. With the permeability of the dredge rock, Staff does not anticipate any site constraints for drainage or detention.

All utilities exist in the Shores at the Highlands Subdivision at the north end of the project. The drawings show that a sewer line at the north end of the site crosses near the Shore's Lodge site through the trail easement connecting to the large existing pond. The water line will make a complete loop around the project. Because of the existing conditions of the site, disturbance of existing vegetation is not an issue. Staff has no concerns with the proposed utility locations.

**Existing Overhead Utility Lines:** Staff will add a condition of approval regarding having the applicant pay a fee to the Town in lieu of burying the existing overhead utility lines. These funds will contribute to the Town's planned burying of all utility line along the highway at a future date.

**Staff Recommendation**

This subdivision proposal is in general compliance with the Subdivision Standards with the exception of size and setbacks (discussed in the Master Plan). Staff recommends approval of The Miller Re-subdivision, PC# 2010009 with the attached Findings and Conditions.



## TOWN OF BRECKENRIDGE

The Miller Subdivision  
PERMIT #2008007  
13541 State Highway 9

Stan Miller Property and Tract D-2, The Shores at the Highlands Subdivision

STAFF RECOMMENDATION: The staff recommends the Planning Commission approve this application with the following Findings and Conditions

### FINDINGS

1. The proposed project is in accord with the Subdivision Ordinance and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated February 22, 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 March 2, 2010 as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.

### CONDITIONS

1. The Final Plat of this property may not be recorded 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, refuse to record the Final Plat, issue a stop order requiring the cessation of any work being performed under this permit, 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 will expire three (3) years from the date of Town Council approval, on **March 8, 2013** unless the Plat has been filed. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.

5. Applicant shall construct the subdivision according to the approved subdivision plan, and shall be responsible for and shall pay all costs of installation of public roads and all improvements including revegetation, retaining walls, and drainage system. All construction shall be in accordance with Town regulations.
6. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
7. Applicant shall be required to install an address sign identifying all residences served by a private drive posted at the intersection with the primary roadway.

**PRIOR TO RECORDATION OF FINAL PLAT**

8. Applicant shall submit and obtain approval from Town staff of a final plat that meets Town subdivision requirements and the terms of the subdivision plan approval.
9. Applicant shall submit and obtain approval from the Town Engineer of final grading, drainage, utility, erosion control and street lighting plans.
10. Applicant shall submit and obtain approval from the Town Attorney for any restrictive covenants and declarations for the property.
11. Final drawings shall indicate that the Public Open Space Parcel, Tract C, is for public recreation purposes including a trail and future bicycle path.
12. Applicant shall either install all public and private improvements shown on the subdivision plan, or a Subdivision Improvements Agreement satisfactory to the Town Attorney shall be drafted and executed specifying improvements to be constructed and including an engineer's estimate of improvement costs and construction schedule. In addition, a monetary guarantee in accordance with the estimate of costs shall be provided to cover said improvements.
13. Applicant shall submit and obtain approval from the Town Engineer of all traffic control signage and street lights which shall be installed at applicant's expense prior to acceptance of the streets by the Town.
14. .Per Section 9-2-3-5-B of the Subdivision Standards, the following supplemental information must be submitted to the Town for review and approval prior to recordation of the final plat: title report, errors of closure, any proposed restrictive covenants, any dedications through separate documents, and proof that all taxes and assessments have been paid.

**PRIOR TO IMPROVEMENT CONSTRUCTION**

15. Prior to revegetation of disturbed areas, applicant shall submit and obtain approval from Town staff of a landscaping plan in compliance with the Subdivision Ordinance requirements, specifying revegetation consisting of native grasses and other native vegetation. A minimum of 665 trees, at least 50% six feet in height, shall be installed. Field location with attention to the large sewerline cuts is acceptable.

**PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE**

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

# MILLER MASTER PLAN

## LAND USE SUMMARY

| Parcel/Road  | Area               | SFE's/Use   |
|--------------|--------------------|---|
| Parcel A     | 3.63 acres         | 8 SFE's Duplex; 3 SFE's Single Family   |
| Parcel B     | 2.54 acres         | 15 SFE's Townhome (all deed restricted)   |
| Parcel C     | 2.89 acres         | 8 SFE's Duplex (all deed restricted); 12 SFE's Single Family (all deed restricted)          |
| Parcel D     | 9.27 acres         | 3 SFE's Single Family (all deed restricted); 6 SFE's Duplex; 16 SFE's Single Family         |
| Parcel E     | 1.84 acres         | 40 SFE's Condominium/Apartment (all deed restricted)  |
| Parcel F     | 11.86 acres        | 38 SFE's Duplex (20 SFE's deed restricted); 8 SFE's Single Family (2 SFE's deed restricted) |
| Parcel G     | 6.12 acres         | Town Open Space   |
| Parcel H     | 0.03 acres         | 0 SFE's   |
| Parcel I     | 0.70 acres         | Town Open Space   |
| Road/R.O.W.  | 1.53 acres         | Stan Miller Drive   |
| Tract D2     | 2.29 acres         | SFE's part of Parcel F density  |
| <b>Total</b> | <b>42.70 acres</b> | <b>157 SFE's</b>  |



# THE MILLER SUBDIVISION APPROVED PLAN



**CLAYTON**  
ENGINEERING  
CONSULTING ENGINEERS, INC.  
200 LAKE DRIVE S. SUITE 100  
MARIETTA, GA 30067  
404.477.1111  
clayton@clay.com

SHEET  
1 of 2

# THE MILLER SUBDIVISION REVISED PLAN



GRAPHIC SCALE

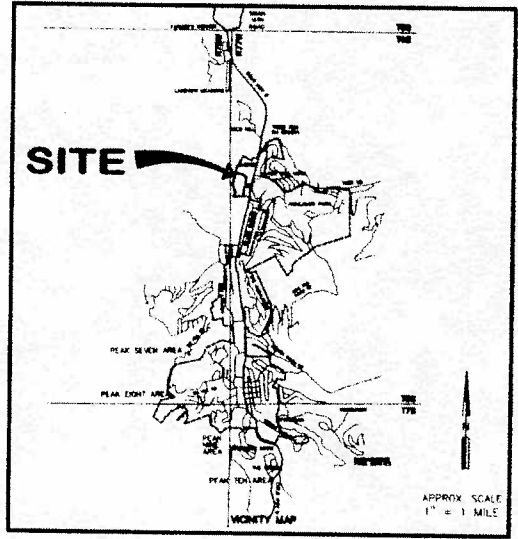


**CLAYTON**  
ENGINEERS  
CORPORATION, INC.  
100 LINDA PARKWAY, SUITE 100  
MARIETTA, GEORGIA 30067  
404.875.1111  
clayton@clayton.com

SHEET  
2 of 2

OVER ALL

MILLER SUBDIVISION
LOCATED IN SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST
OF THE SIXTH PRINCIPAL MERIDIAN
TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO



OWNER'S CERTIFICATE
I, the undersigned, being duly sworn, do hereby certify that I am the owner of the property...

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Breckenridge, Colorado, on this 22nd day of April, 2008.

Signature of landowner

STATE OF COLORADO
COUNTY OF SUMMIT

The foregoing subdivision was technological before the day of this day of April, 2008 by...

BY COMMISSION EXERCISE: Signature of commission member

Table with columns: TRACT/ROAD, AREA, % OF SITE. Rows include Tract A (18.33), Tract B (11.88), Tract C (8.12), Tract D (0.53), Tract E (2.54), ROAD/R.O.W (1.53), TOTAL (40.41 ACRES, 100%).

BRECKENRIDGE TOWN COUNCIL CERTIFICATE

Approved this 22nd day of April, 2008, the Board of Breckenridge, Colorado...

NOTE: Public notice of this subdivision has been given...

TOWN CLERK'S CERTIFICATE

I, the undersigned, being duly sworn, do hereby certify that I am the Town Clerk of Breckenridge, Colorado...

Signature of Town Clerk

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly sworn, do hereby certify that I am the Licensed Surveyor...

Signature of Surveyor

BRECKENRIDGE PLANNING COMMISSION CERTIFICATE

Approved this 16th day of April, 2008, the Breckenridge Planning Commission...

Signature of Commission Member

TITLE COMPANY CERTIFICATE

This Company of the State of Colorado, do hereby certify that I am the Title Company...

Dated the 24th day of April, 2008

Signature of Title Company

PLAY NOTES

- 1. Date of Survey: March 12, 2008
2. Date of Recording: From parcel 4 of S.B.L. No. 1...
3. NOTICE: According to Colorado law...
4. By acceptance of a deed to property...
5. Deedholder hereby reserves to himself...
6. Deedholder hereby reserves all mineral and hydrocarbon...
7. Deedholder hereby grants, conveys and warrants...
8. Nothing contained in these Play Notes shall...
9. Deedholder hereby grants, conveys and warrants...
10. Deedholder hereby grants, conveys and warrants...
11. Deedholder hereby reserves to himself...
12. Other Play Notes, conditions, and improvements...

CLERK AND RECORDER'S CERTIFICATE

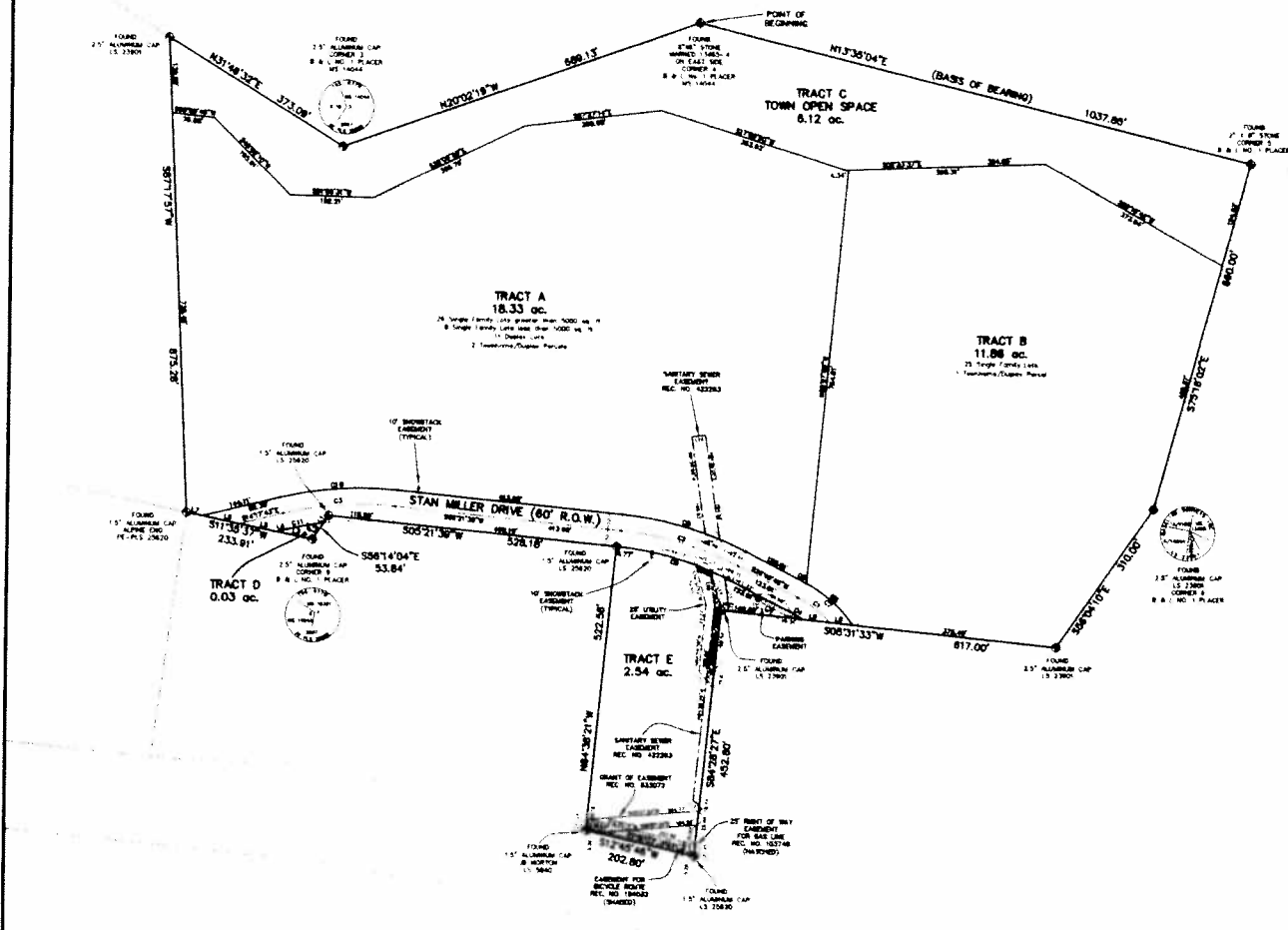
I, the undersigned, being duly sworn, do hereby certify that I am the Clerk and Recorder of Breckenridge, Colorado...

Signature of Clerk and Recorder

CLIFFORD & JENSEN ENGINEERS logo and SHEET 1 OF 2 text

OVERALL

**MILLER SUBDIVISION**  
 LOCATED IN SECTION 18, TOWNSHIP 6 SOUTH, RANGE 77 WEST  
 OF THE SIXTH PRINCIPAL MERIDIAN  
 TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO



LINE TABLE

| LINE | BEARING     | DISTANCE |
|------|-------------|----------|
| 1    | N89°58'30"E | 373.00'  |
| 2    | N80°02'18"W | 680.15'  |
| 3    | N13°35'04"E | 1037.86' |
| 4    | S88°14'04"E | 53.84'   |
| 5    | S58°21'36"W | 528.18'  |
| 6    | S58°14'04"E | 53.84'   |
| 7    | S58°21'36"W | 528.18'  |
| 8    | S88°14'04"E | 53.84'   |
| 9    | S88°14'04"E | 53.84'   |
| 10   | S88°14'04"E | 53.84'   |
| 11   | S88°14'04"E | 53.84'   |
| 12   | S88°14'04"E | 53.84'   |
| 13   | S88°14'04"E | 53.84'   |
| 14   | S88°14'04"E | 53.84'   |
| 15   | S88°14'04"E | 53.84'   |
| 16   | S88°14'04"E | 53.84'   |
| 17   | S88°14'04"E | 53.84'   |
| 18   | S88°14'04"E | 53.84'   |
| 19   | S88°14'04"E | 53.84'   |
| 20   | S88°14'04"E | 53.84'   |
| 21   | S88°14'04"E | 53.84'   |
| 22   | S88°14'04"E | 53.84'   |
| 23   | S88°14'04"E | 53.84'   |
| 24   | S88°14'04"E | 53.84'   |
| 25   | S88°14'04"E | 53.84'   |
| 26   | S88°14'04"E | 53.84'   |
| 27   | S88°14'04"E | 53.84'   |
| 28   | S88°14'04"E | 53.84'   |
| 29   | S88°14'04"E | 53.84'   |
| 30   | S88°14'04"E | 53.84'   |
| 31   | S88°14'04"E | 53.84'   |
| 32   | S88°14'04"E | 53.84'   |
| 33   | S88°14'04"E | 53.84'   |
| 34   | S88°14'04"E | 53.84'   |
| 35   | S88°14'04"E | 53.84'   |
| 36   | S88°14'04"E | 53.84'   |
| 37   | S88°14'04"E | 53.84'   |
| 38   | S88°14'04"E | 53.84'   |
| 39   | S88°14'04"E | 53.84'   |
| 40   | S88°14'04"E | 53.84'   |
| 41   | S88°14'04"E | 53.84'   |
| 42   | S88°14'04"E | 53.84'   |
| 43   | S88°14'04"E | 53.84'   |
| 44   | S88°14'04"E | 53.84'   |
| 45   | S88°14'04"E | 53.84'   |
| 46   | S88°14'04"E | 53.84'   |
| 47   | S88°14'04"E | 53.84'   |
| 48   | S88°14'04"E | 53.84'   |
| 49   | S88°14'04"E | 53.84'   |
| 50   | S88°14'04"E | 53.84'   |

CURVE TABLE

| STATION | PC      | PVI     | PT      | CHORD BEG. | CHORD END | TANGENT |
|---------|---------|---------|---------|------------|-----------|---------|
| 1       | 1+00.00 | 1+10.00 | 1+20.00 | 100.00     | 100.00    | 100.00  |
| 2       | 1+20.00 | 1+30.00 | 1+40.00 | 100.00     | 100.00    | 100.00  |
| 3       | 1+40.00 | 1+50.00 | 1+60.00 | 100.00     | 100.00    | 100.00  |
| 4       | 1+60.00 | 1+70.00 | 1+80.00 | 100.00     | 100.00    | 100.00  |
| 5       | 1+80.00 | 1+90.00 | 2+00.00 | 100.00     | 100.00    | 100.00  |
| 6       | 2+00.00 | 2+10.00 | 2+20.00 | 100.00     | 100.00    | 100.00  |
| 7       | 2+20.00 | 2+30.00 | 2+40.00 | 100.00     | 100.00    | 100.00  |
| 8       | 2+40.00 | 2+50.00 | 2+60.00 | 100.00     | 100.00    | 100.00  |
| 9       | 2+60.00 | 2+70.00 | 2+80.00 | 100.00     | 100.00    | 100.00  |
| 10      | 2+80.00 | 2+90.00 | 3+00.00 | 100.00     | 100.00    | 100.00  |
| 11      | 3+00.00 | 3+10.00 | 3+20.00 | 100.00     | 100.00    | 100.00  |
| 12      | 3+20.00 | 3+30.00 | 3+40.00 | 100.00     | 100.00    | 100.00  |
| 13      | 3+40.00 | 3+50.00 | 3+60.00 | 100.00     | 100.00    | 100.00  |
| 14      | 3+60.00 | 3+70.00 | 3+80.00 | 100.00     | 100.00    | 100.00  |
| 15      | 3+80.00 | 3+90.00 | 4+00.00 | 100.00     | 100.00    | 100.00  |
| 16      | 4+00.00 | 4+10.00 | 4+20.00 | 100.00     | 100.00    | 100.00  |
| 17      | 4+20.00 | 4+30.00 | 4+40.00 | 100.00     | 100.00    | 100.00  |
| 18      | 4+40.00 | 4+50.00 | 4+60.00 | 100.00     | 100.00    | 100.00  |
| 19      | 4+60.00 | 4+70.00 | 4+80.00 | 100.00     | 100.00    | 100.00  |
| 20      | 4+80.00 | 4+90.00 | 5+00.00 | 100.00     | 100.00    | 100.00  |



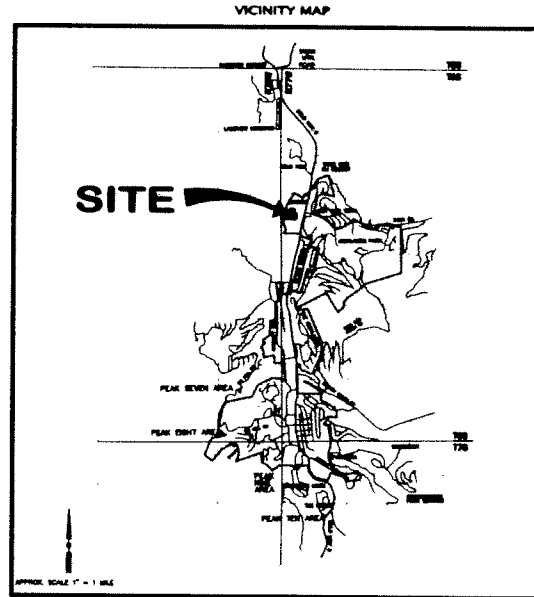
**CURRY ENGINEERING**  
 ENGINEERS AND ARCHITECTS  
 1000 WEST 10TH AVENUE, SUITE 100  
 DENVER, COLORADO 80202

SHEET  
 2 of 2



# BRADDOCK WEST SUBDIVISION PRELIMINARY PLAT, GRADING, DRAINAGE AND UTILITY PLANS SEPTEMBER 2009

| LAND USE SUMMARY              |              |             |
|-------------------------------|--------------|-------------|
| LOT/PARCEL/ROAD               | ACREAGE      | % OF SITE   |
| LOTS (19 DUPLD)               | 8.49         | 59.0%       |
| LOTS (8 SINGLE FAMILY)        | 2.62         | 18.3%       |
| PARCEL A (PRIVATE OPEN SPACE) | 0.32         | 2.2%        |
| PARCEL B (PRIVATE OPEN SPACE) | 0.54         | 3.8%        |
| PARCEL C (PRIVATE OPEN SPACE) | 0.82         | 5.7%        |
| PARCEL D (PRIVATE OPEN SPACE) | 0.05         | 0.3%        |
| RIGHT OF WAY                  | 1.81         | 12.7%       |
| <b>TOTAL</b>                  | <b>14.13</b> | <b>100%</b> |

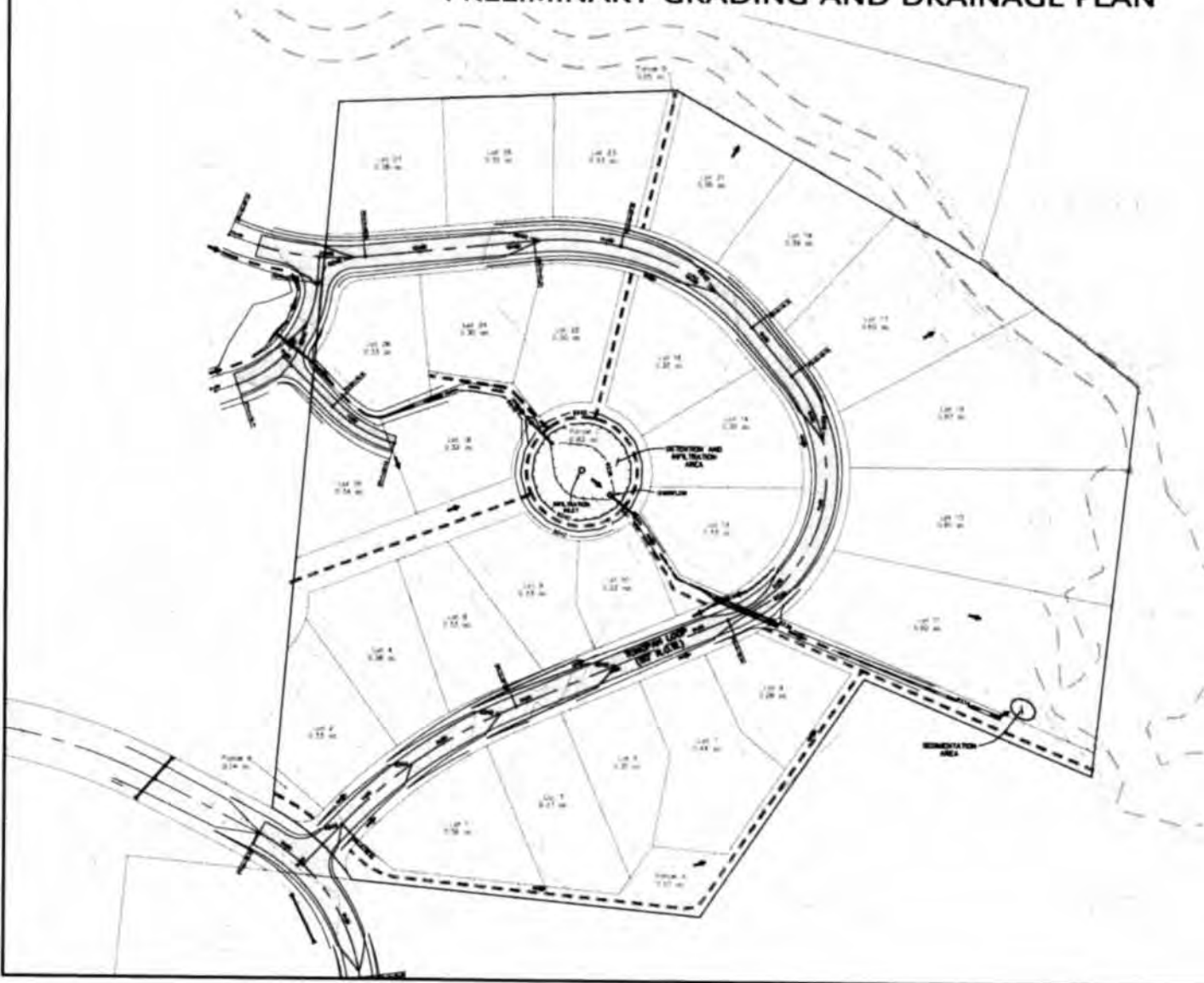


| SHEET INDEX                   |         |
|-------------------------------|---------|
| COVER SHEET                   | SHEET 1 |
| GRADING AND DRAINAGE PLAN     | SHEET 2 |
| SANITARY SEWER AND WATER PLAN | SHEET 3 |
| PRELIMINARY PLAT              | SHEET 4 |

**CURPMEN**  
ENGINEERING  
CURPMEN ENGINEERING, INC.  
400 LINDEN DRIVE • SUITE 100 • WYOMING, CO 80501  
PHONE: 303.746.4400 • FAX: 303.746.4442  
curpmen@curpmen.com

SHEET  
1 of 4

# BRADDOCK WEST SUBDIVISION PRELIMINARY GRADING AND DRAINAGE PLAN



| LEGEND |                  |
|--------|------------------|
|        | PROPERTY LINE    |
|        | PROPOSED CONTOUR |
|        | EXISTING CONTOUR |
|        | RUNOFF DIRECTION |
|        | COLLETRY         |
|        | SWALE            |
|        | TRAIL            |
|        | SEWERLIFT        |

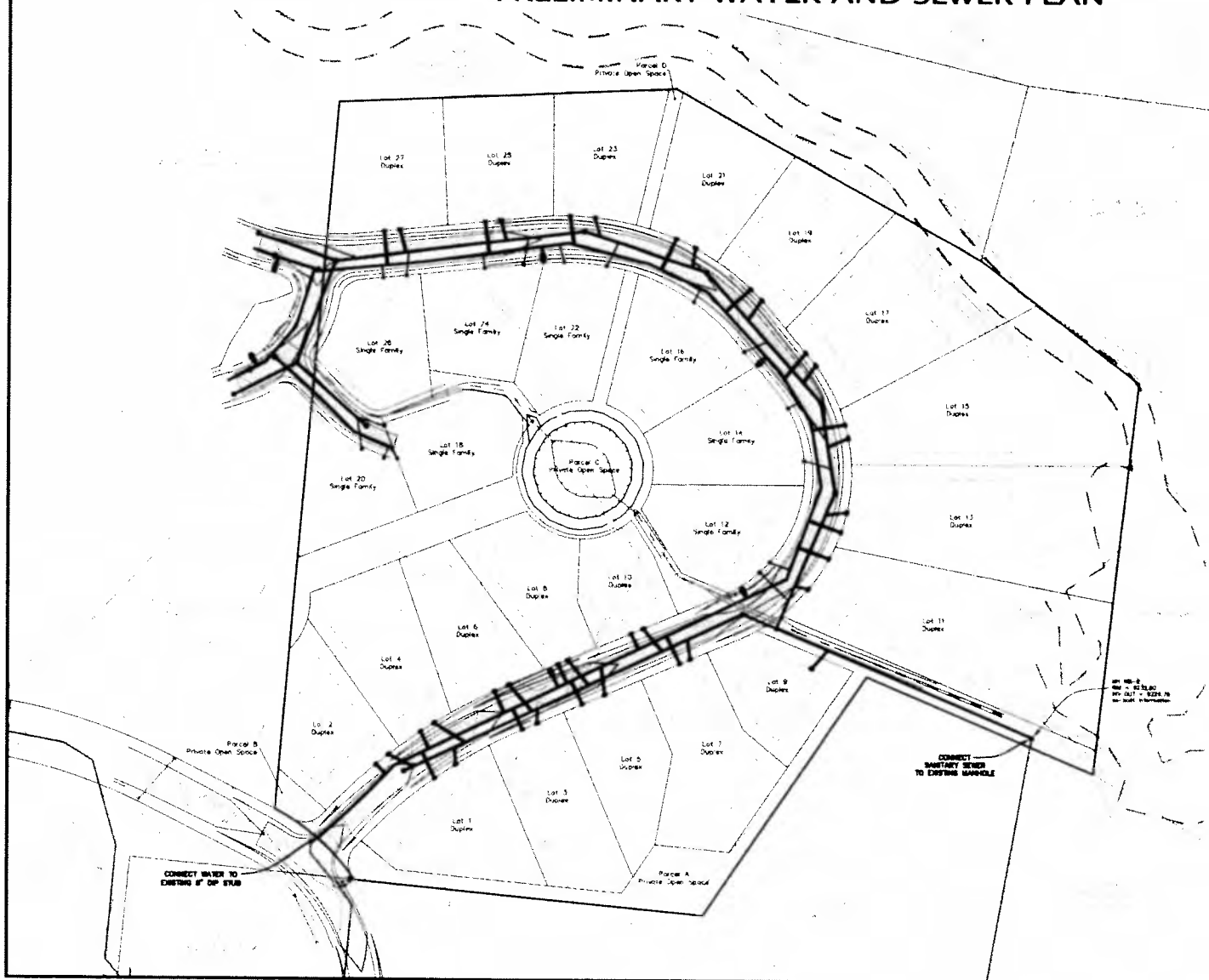


**CLIFFORD J. ENGINEERING**  
 CONSULTING ENGINEERS, INC.  
 1000 WEST 10TH AVENUE, SUITE 100  
 DENVER, COLORADO 80202  
 303.733.1111  
 clifford@clifford.com

SHEET  
2 of 4

C:\Data\B\Projects\Braddock West Subdivision\Drawings\Grading and Drainage\Grading and Drainage.dwg, 11/27/2018 11:27:28 AM

# BRADDOCK WEST SUBDIVISION PRELIMINARY WATER AND SEWER PLAN



| LEGEND |                            |
|--------|----------------------------|
|        | EXISTING LINE              |
|        | PROPOSED CENTER            |
|        | EXISTING MANHOLE           |
|        | PROPOSED SANITARY MANHOLE  |
|        | EXISTING SANITARY MANHOLE  |
|        | PROPOSED WATER MANHOLE     |
|        | EXISTING WATER MANHOLE     |
|        | PROPOSED FIRE LINE MANHOLE |
|        | EXISTING FIRE LINE MANHOLE |

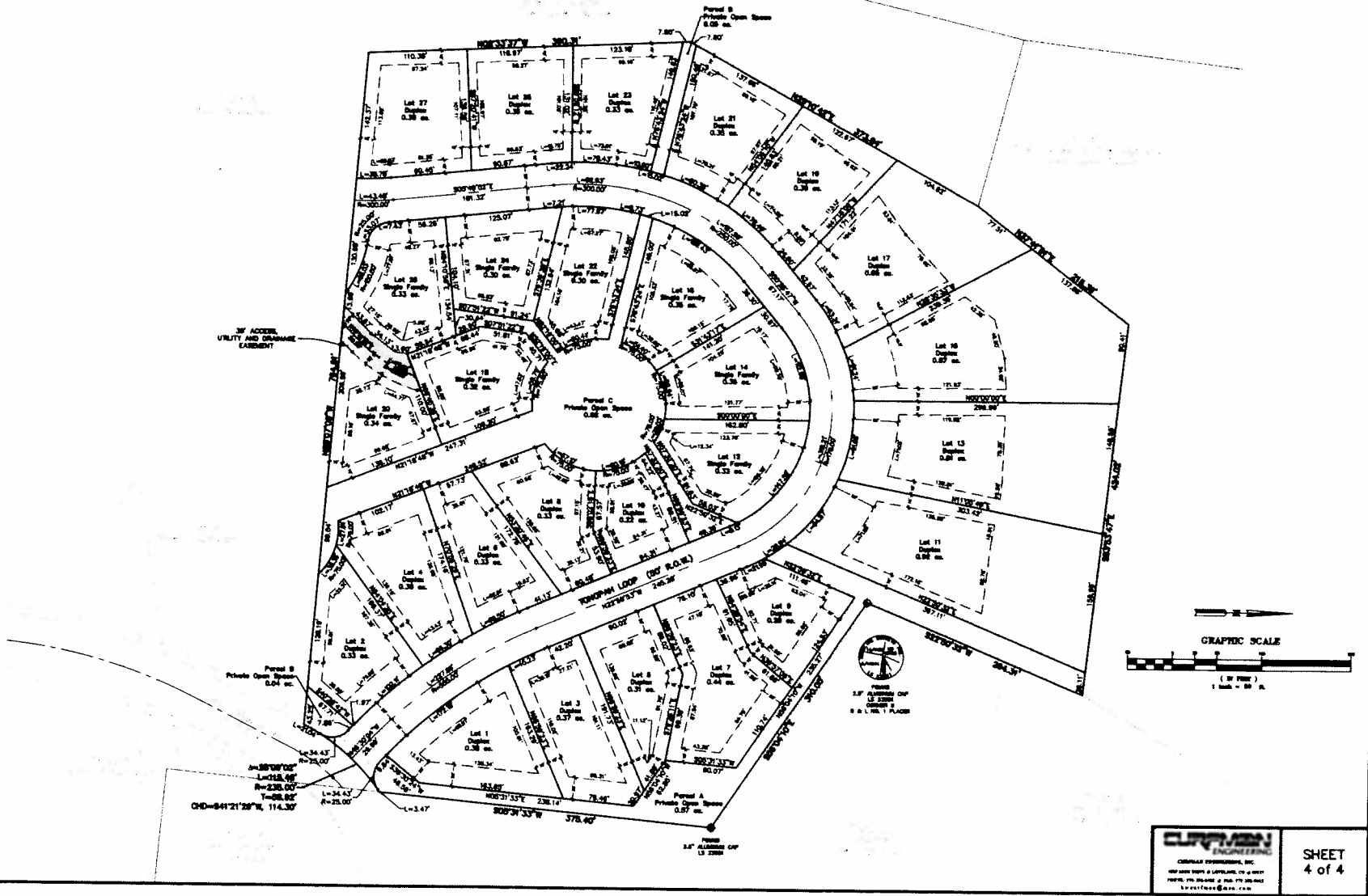


© 2010 by C. J. ...


**CURTISS ENGINEERING**  
CURTIS ENGINEERING, INC.  
 100 ...  
 ...  
 ...

**SHEET**  
3 of 4

# BRADDOCK WEST SUBDIVISION PRELIMINARY PLAT



C:\p\2011\Projects\Braddock West\Preplat\Preplat.dwg, 11/20/11 11:28:38 AM

|  |                                |
|--|--------------------------------|
|  <p style="font-size: 8px; margin: 0;">CURTIS ENGINEERING, INC.<br/>1000 AVENUE D SOUTH, CO. 60571<br/>PHOTO, THE QUALITY OF THE DESIGN<br/>IS THE RESPONSIBILITY OF THE CLIENT</p> | <p><b>SHEET</b><br/>4 of 4</p> |
|--|--------------------------------|