

**Town of Breckenridge**  
**Planning Commission Agenda**  
Tuesday, April 6, 2010  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>7:00</b>	<b><i>Call to Order of the April 6, 2010 Planning Commission Meeting; 7:00 p.m. Roll Call</i></b>	
	<b><i>Approval of Minutes March 16, 2010 Regular Meeting</i></b>	<b>3</b>
	<b><i>Approval of Agenda</i></b>	
<b>7:05</b>	<b><i>Consent Calendar</i></b>	
	1. Bartolucci Residence (CK) PC#2010015 9 White Cloud Drive	<b>14</b>
	2. Tyra Summit Building A & B Exterior Remodel (CK) PC#2010018 840 & 800 Four O’Clock Road	<b>25</b>
<b>7:15</b>	<b><i>Worksessions</i></b>	
	1. Transition Area Standards (MM)	<b>36</b>
	2. Sustainability Task Force Recommendations (MT)	<b>64</b>
<b>8:45</b>	<b><i>Town Council Report</i></b>	
<b>8:55</b>	<b><i>Final Hearings</i></b>	
	1. Bradley Residence Historic Renovation, Variances and Landmarking (MM) PC#2010002 213 East Washington Avenue	<b>72</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.*



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# Breckenridge South

printed 2007



TYRA SUMMIT BUILDING  
A + B EXTERIOR  
REMODEL  
840 + 800 FOUR O'CLOCK RD.

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

BARTOLUCCI RESIDENCE  
9 WHITE CLOUD DRIVE

PLANNING COMMISSION MEETING

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

ROLL CALL

Rodney Allen                      Jim Lamb                      JB Katz  
Dan Schroder                      Dave Pringle  
Michael Bertaux arrived at 7:30pm.  
Leigh Girvin was absent.

APPROVAL OF MINUTES

With no changes, the minutes of the March 2, 2010 Planning Commission meetings were approved unanimously (5-0).

APPROVAL OF AGENDA

Mr. Neubecker stated that the Bradley Residence Historic Renovation, Variance and Landmarking, PC#2010002, at 231 East Washington Avenue, was to be presented as a second preliminary instead of final because of two added variances that had not been advertised. Mr. Grosshuesch noted the Peak 8 Alpine Coaster has been advertised on the radio and the Commission may want to move the hearing up earlier if the public shows up for it. With no other changes, the Agenda for the March 16, 2010 Planning Commission meeting was approved unanimously (5-0).

**CONSENT CALENDAR:**

1. Powderhorn Condominium Exterior Remodel (JP) PC#2010007, 745 Columbine Road
2. Appel-Meiser Residence (MGT) PC#2010012, 49 White Cloud Drive

Mr. Pringle: Was this the flag lot issue I recall from an earlier meeting? (Mr. Neubecker: Yes. We changed the setbacks with as variance and they are proposing the house within the approved setback.) Did the neighbor still have an issue with the deck? (Mr. Thompson: I asked the applicant to put in some additional shrubs, and they also are doing the larger setbacks from the complaining neighbor's house; 25' as opposed to 15' per current code. Applicant agreed on the floor to use 25' rear setback, which is the same setbacks as the neighbors.)

3. Sheldon Residence (CK) PC#2010016, 207 North Goldflake Terrace

Mr. Allen: This is an old A-frame coming up on 50 years old; is this an upgrade to the Weisshorn and therefore the town? (Ms. Katz: There is nothing we can do anyway since it is out of the historic area, correct?) Yes, I think this looks great.

Mr. Pringle: Are we giving the same service and review to a consent calendar item (such as large condo remodel)? Do we need to do a more of a critical review? Or is it ok just because it will look better than it does currently?

Mr. Allen: This is a philosophical discussion; we need to stay with code. (Mr. Neubecker: Let's put under "other matters" at the end of the meeting.)

With no requests for call up, the consent calendar was approved as presented.

Prior to the worksessions, there was discussion among the Commission about remodels on condos that might need more critical review. (Mr. Neubecker: The Commission can't discuss issues that are not proposed to change, such as parking or building height with existing structures; just aesthetics, since that is all that's being proposed for change. We are getting something better, isn't that good? If we stick it to them in their application, will they not do the remodel? Probably.)

Ms. Katz: Associations need to look at the tipping point financially. I am happy with staff and how they evaluate whether a project needs to come to a worksession or not.

Mr. Allen: Many people can't get loans for these assessments any more with the new banking rules.

Mr. Pringle: We need to be faithful to the code and how we enforce the code. (Mr. Neubecker: Are we seeing things that are not meeting the code?) I am asking, do we want people to come in so we can talk to them about the concerns the Commission might have about the exterior and see if they will do more than they show? Generally a consent calendar item is not reviewed; these things are whisked through. Is a consent calendar project the way to go on a large condo complex remodel? Some have come through as work sessions; some have come through as consent calendar items. (Mr. Neubecker: The Village at Breckenridge did do a work session before their formal application, since it was such a big project. We will add this topic to an agenda at a future date.)

Mr. Rossi: Would you direct staff to look at what the code is now? What other options they have? (Mr. Neubecker: We have to look at the code. We can't ask for things they don't have or we cannot require things that are not in the code.) Can you add to the agenda topic a discussion on how energy efficiencies may come into play in the application? Staff can help find rebates etc.

Mr. Lamb: I disagree with Mr. Pringle; staff spends a great deal of time prior to the consent calendar evaluating the project.

#### WORKSESSIONS:

##### 1. Footprint Lots

Ms. Puester presented. Staff held worksessions on footprint lots with the Commission February 3, March 17, October 20, 2009 and February 16, 2010. 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.

Staff has assembled the points of consensus among the Commissioners from past worksessions within the proposed policy changes which are attached in the packet.

Main proposed changes include:

##### Subdivision Code:

- Within the Historic and Conservation District, footprint lots should only be permitted in the Downtown Overlay District. (Footprint lots would still be permitted outside the Conservation District.)
- Setbacks for separation of structures/footprints and follow the historic character.
- Setbacks for the perimeter of footprint lots outside the Conservation District.

##### Design Standards:

- Secondary structures should be smaller scale buildings.
- Secondary structures should have a simplistic design (e.g. little ornamentation, simple windows, simple siding, etc.).
- Require setbacks between structures.
- Building material for secondary structures should appear as natural wood.
- Also included is language for primary structure building materials to be typically 4-4 ½" lap siding, which was not specifically listed in the Design Standards.

If the Commission is comfortable with the proposed policy modifications, Staff will proceed to the Town Council for first reading.

#### Commissioner Questions/Comments:

Mr. Bertaux: On Number 82, existing design standard, page 36: should the language be more of a requirement? Should we change "may" to "should" or "shall"? Same for third bullet item; is it better for "should" or "shall" to be used instead of "may be considered"? Be more emphatic. Stronger words would make policy 82 work better and not be as contradictory. I would like to see some wordsmithing to make policy 85 more clear regarding variation of ridgelines, which should be broken up. Otherwise ready to move on to Council.

Ms. Katz: Question on policy 82, is it contradictory; you are not talking about secondary structures but primary structures, correct? House on west side, south end of French street, they put on a rear addition that is taller but it is on the rear of primary structure. (Mr. Neubecker: The Cooney residence; it works there on the primary residence. It's also not highly visible.) Maybe we should just say this policy does not apply to secondary structures. (Mr. Allen: Say that it applies only to the backside of a primary building.) Yes, that sounds good. I agree with Mr. Allen's suggestion.

Mr. Schroder: I don't think that policy 82 should be absolute. (Mr. Neubecker: It leaves some flexibility up to the Planning Commission. Primary consideration of view is "from a public way".)

Mr. Allen: On policy 89, third bullet point, using "1/3 of the building length". Where did that come from? (Ms. Puester: The structures need to be set apart from each other; secondary apart from the primary. We tried to determine what would be an appropriate distance apart and this is what we came up with based on previous projects. We can certainly discuss this.) (Mr. Neubecker: This setback came

about because of Mr. Mamula's concern about the project on the corner of Watson and Main. The minimum of 6 feet is based on the building code, for structures of different lots; and the 1/3 length is so that if a primary building is very large, there will be more space between secondary structures.)

Mr. Pringle: There are multiple lengths in different bullet points. (Ms. Puester: We will change it from 5 feet to 6 feet for consistency.) Policy 90, most common material on secondary structure is unpainted wood. Were there some that were just less ornate versions of the original primary structure? Weren't some painted? (Ms. Puester: Looking at photographs, most were bare wood.) (Mr. Neubecker: We don't necessarily know what was on there when they were built originally, but what they were later.) Corrugated metal came along later, was not primary fabric when the structure was built. (Mr. Neubecker: Metal was there during the period of significance. We don't see paint on many of them. They did not have the ornamentation on the secondary structure, but they did on the primary. The primary structure was where the money was spent, where it would be more visible. Secondary structures had animals and tools etc.)

Mr. Allen: I think it makes sense to make them match to 6 feet setback between buildings.

Mr. Schroder: Staff put together a good report, put together all our concerns. Ready to go to Council.

Ms. Katz: I agree, I think with the changes mentioned tonight, it is ready to go to first reading.

Mr. Rossi: Third bullet point should be two words, "set" and "back". (Ms. Puester: I will correct that.) I will take your compliments to the Council; I won't waste your time here.

## 2. Bistro Lights

Ms. Puester presented. Staff was directed by the Town Council to look at amending the Exterior Lighting Policy (Chapter 12 of the Development Code) to allow for lighting along walkways to storefronts internal to a site.

Staff took the issue to the Planning Commission and has made the following modifications since the February 16<sup>th</sup> worksession based on Commissioner comments:

- Modified the definition of holiday lighting to include lighting which forms a canopy between buildings, internal to a site. Holiday lights are permitted from November 1<sup>st</sup> to the end of the ski season.
- Bistro lighting for outdoor restaurants/bar areas permitted in all Lighting Zone Districts (rather than only Lighting Zone 1).
- The word "dining area" has been replaced with the word "restaurant" for clarification.
- Bistro lights are to remain permitted from May 1-October 31.

Staff included the canopy of lights within the holiday lighting definition. The purpose of this was to prevent confusion between building outlining and a canopy of lights between buildings/storefronts. Holiday lighting also is currently allowed only from Nov. 1 through the end of the ski season.

The definition of bistro lights has been proposed to remain limited to outdoor restaurant/bar areas. However, staff has proposed a restriction of wattage and hour limitation as recommended by the Commission.

Staff has not proposed to require a permit for holiday lights or bistro lights. Staff believes that this currently works well as an exemption and not much will be gained by requiring a permit. Staff also has not proposed any language on time of day for holiday lights to be turned off. This is not required for other on site lighting and we feel that this would be both an enforcement and public relations challenge.

If the Commission is comfortable with the proposed policy modifications, Staff will proceed to the Town Council for first reading.

### Commissioner Questions/Comments:

Mr. Schroder: I have a problem with "food service hours only"; they should be allowed to have their lights on when they are open. Do bistro and holiday lights need to be removed at the end of the season? Are they really going to take them down? (Mr. Neubecker: You don't have to take them down; you just have to turn them off.) (Ms. Puester: Right now we don't have a time of day to turn them off. If shops close at 8pm and someone is driving into town at 9pm, the Town would look dark if holiday lights are turned off.) At Main Street Station, there is a little amphitheatre with a long string over that. Who owns that? Does that qualify? (Mr. Neubecker: The HOA owns it; it would qualify under the

canopy lights provision.) There was one strand over one side and one over the other, it looked weird. I am almost at the same place I was before, wondering why we are we messing with this. Not sure why this is an issue to regulate.

Mr. Bertaux: Under Bistro Lighting, during business hours will we require restaurant owner to turn them off? (Ms. Puester: If you are a bar and you close at 2am, the code as written would require you to turn them off at 2am. Enforcement would be difficult with timing and would likely be based on a complaint basis.) I am suggesting stronger language, but also think it is ready to go to Council. We could require them to have a timer that turns them off. (Mr. Neubecker: We can have a time they have to go off but how they turn them off is usually up to the owner.) Tougher language is needed with a time limit in the code. Requiring a permit would require a fee; do we want to put that on the staff and property owner for a string of lights? I think we can solve it with language instead of a permit. (Mr. Neubecker: Staff is proposing this as holiday lighting; to require the few canopy people to come in and get a permit might be considered onerous.) That is why I suggest they turn it off at the end of the season. Also, need to define canopy lights.

Mr. Allen: Concerned about restaurants that are open until late right next to residential units. If we have them shut them down the canopy lights at 10pm, will there be other lights on? Can we ask about that too? (Mr. Neubecker: Yes.) There was a consensus last time for clear or white only for the canopy lights. (Mr. Neubecker: That is going to be very difficult to enforce if they also have colored holiday lights all over the building; it will be hard to tell them white only for one part and not the rest.) Still think the canopy lights need to be clear or white. (Mr. Neubecker: This is going to be a major issue enforcement wise and it will not make sense to the property owner. People walking by will not notice the difference with all of the other lights up.) Canopy light length restriction? (Ms. Puester: It doesn't work well because different lengths of buildings, sites and so on.) In the Towne Square Mall, we don't have an exterior lighting plan just for holiday and canopy lights; it would be onerous if we were dictated to on what we can do there.

Mr. Pringle: We have multiple issues. (Ms. Puester: We did start a discussion last time on hanging lights between buildings not on the same property.) Why are we not asking for a permit? (Mr. Neubecker: We have had a good experience with no permit for holiday lights.) I thought this whole discussion was because there are buildings with court areas that they are stringing lights between, it's not bistro or holiday, but permanent lighting for their walkways. (Mr. Neubecker: So far we have seen in one or two cases of canopy lighting and only in the winter, so that is why we are proposing this be part of holiday lights.) If a place like the Shops on Historic South Main are going to want to do that, why don't we have an exterior lighting to get a handle on it? We might want to have them present a plan of what they are actually going to do and require a permit. I think they will want them on year round. Canopy lights are still different from holiday lighting. This is to illuminate the walkway. (Mr. Neubecker: Its usually not for required lighting but to designate activity in the area.) We are talking about the hybrid, canopy lights, not holiday and not bistro; needs a review and permit.

Ms. Katz: Is this like La Cima? Don't they have those up year round? Fatty's used to have it but they built over that area. (Ms. Puester: That would be bistro lights.) Maybe it needs to not be just winter. Maybe it is creating an entryway. (Mr. Neubecker: Too hard to distinguish between holiday lights and canopy lights, that is why we went with the holiday light timing.) This part of it is giving us issues, can you talk to a couple of people who are doing this and find out what they think? (Ms. Puester: I will talk to those who have these up, find out what they want, what their hours have been thus far. We have not gotten complaints on this issue which is why we went to no permit. I will get a memo out on the results of that conversation.) We need to do an informal survey as to where it can be done. (Mr. Neubecker: We might take out the "single lot" requirement; it might be in too many places.) Let's get the feedback, not sure you should open it up to between buildings on different properties. If you are going to open it up to that, you may need a permit. Not willing to go that way, between lots, talking about trying to get people into places where you don't want them. I don't want to make it more complicated for the couple of people who are doing it. (Mr. Neubecker: We will have to write in "not over public right of way", "not over streets", etc.) Define canopy lights, do not require a permit, and do not allow them between lots.

Mr. Lamb: I just don't see them needing a permit; requiring a permit is onerous. Should just write more detailed requirements? Have bulb spacing requirements in addition to the wattage limits.

Mr. Rossi: Split level mall storefronts are next to one another. What if I want to hang them from the railing to the next storefront, if there is not a structure in front, and they could put something on the railing to

the upper level? (Mr. Neubecker: We may just need to say “between buildings” rather than “storefronts”.) Wants to see what happens with definition of “store front”. One consideration, Main Street Station is an example, lights over eaves, some are burned out, not one strand is complete with full lights. Do we have a provision that they can’t look bad or not be maintained? (Mr. Bertaux: Add “shall be maintained” to holiday lights definition.)

**TOWN COUNCIL REPORT:**

Mr. Rossi: Town Council will make sure that they have enough time for the joint meeting with the Planning Commission, per the Commission’s request. Commission asked if Council could come to the Planning Commission meeting instead; Council indicated that they are not interested in that arrangement.

Mr. Allen: On Valley Brook, can you let us know what is going on?

Mr. Rossi: Our discussion was in executive session, but now that it has been in the paper, it is publicly out there, so I can talk about it. The Council decided it makes more sense to build a few parts of the project at a time instead of the whole project at once. Mercy Housing is no longer in the picture. The departure of Jane Harrington from Mercy as well as other Mercy lead staff changed that relationship. Also, now the Town will not need any financing and can do the project in-house without a loan. Some discussion at the Builder’s Association on whether the plans are still appropriate. There is a lot of talk out there. The current plans are LEED Silver, which addresses the sustainability factor, but not sure if they address this climate, crawl spaces and so on. If we want to do new plans, there will be a cost, but it is possible, and there has been some talk about it. Rethinking includes how much is 80% vs. 120% AMI; perhaps making all units 80% AMI, which would add cost to the project, but we are saving developer fees and could put that back into the project. I was unhappy Tim Berry was not in the audience, he was out sick, but the meeting did go into executive session for this topic. Some of the discussion was probably appropriate for executive session but I thought some was not. It seemed like executive session was done in order to clear the room.

**SECOND PRELIMINARY HEARINGS:**

1. Bradley Residence Historic Renovation, Variance and Landmarking (MMO) PC#2010002, 231 East Washington Avenue

Mr. Mosher presented a proposal to perform a historically compliant exterior remodel and interior remodel that will include a full basement beneath the historic footprint. A small shed is also proposed at the southwest corner of the property. The existing deck that crosses the west property line is to be removed. The location of both the houses and the existing density overages are “grandfathered” as legal non-conforming with the recordation of the plat. This is a very small lot at only 2,428 square feet, significantly smaller than a historic narrow lot. Three separate variances are sought for:

1. Slightly increasing the slope of the primary roof to be more compliant with the historic neighborhood.
2. Re-placing the historic house at the same 5-foot rear setback after moving it for creation of a basement.
3. Placing the proposed shed in line with the house at the 5-foot rear setback.

In addition, the applicant is seeking to locally landmark the property. A color and material board was presented. The size of the lot is what is driving two of the variances with this application.

**Changes from the Previous Submittal**

- The front porch has been widened slightly.
- Larger dormer on the south shed roof.
- Slight adjustment in the window placement in the existing non-historic openings.
- Variance criteria for changing the slope of the primary roof was included.
- Variance criteria for re-placing the house at the 5-foot rear yard setback was included.
- Variance criteria for placing the small shed at the 5-foot rear yard setback, in line with the house, was included.
- Local Landmarking criteria was identified.

### Staff Comments

The presented plans indicate a proposed restoration that would bring the architecture of the house back to how it might have looked when it was originally constructed and more into compliance with the Town's Historic Guidelines and in this Character Area. The changes would include:

1. The footprint/perimeter walls will remain the same; no additional density is to be added above ground.
2. Maintaining the historic exterior walls and historic openings.
3. Raise the plate height of the walls 9 inches at the south elevation and 18 inches at the north elevation to allow for window and door headers and to meet the minimum required building code head clearance. Currently there are no headers over the doors and windows and the head height is below the minimum requirement.
4. Replace the low sloping roof(s) and create a new roof with a steeper 10:12. (Priority Policy 121.)
5. Create a front porch. (Design Standard 129.)
6. Remove the non-compliant, non-historic windows and replace with vertically orientated double hung compliant wood windows.
7. Create a full basement/foundation (based on approval of locally landmarking the structure) for additional living space.
8. Build a new detached shed (outbuilding) for storage at the back of the lot. (Design Standard 127.)
9. Reside the structure with historic compliant horizontal lap siding 4-4 ½" exposure. (Priority Policy 125.)
10. The roof would be re-sheathed with historic compliant cut wood shingles.
11. The house would be shifted slightly on the lot, squaring it up, to allow for parking on-site.
12. The house would have substantial permanent electrical, plumbing, and/or mechanical system upgrades.

The applicant proposes a thorough renovation of this historic home and has closely followed the design guidelines of the Handbook of Design Standards for the Historic and Conservation Districts, with the exception of maintaining the existing roof pitch, to create a finished home that will contribute to the Town's Historic District and neighborhood. The proposed reduced rear and one side yard setbacks for the house and shed have minimal impact to the neighborhood and benefit the neighborhood by enhancing the front and side yard facing the two right of ways. Additionally, the Town's current local designation (1991) of the property is "Contributing with Qualifications". After the proposed restoration the Town Historian suggests this be raised to "Contributing".

Staff had five specific questions for the Commission, and encouraged any further feedback.

1. Did the Commission support a variance for Policy 5/A, Architectural Compatibility, allowing the existing roof pitch being increased slightly to better contribute to the historic character of the neighborhood?
2. Did the Commission support a variance to Policy 9/A, Placement of Structures, allowing the historic structure to be re-placed in the same location, 5-feet off the rear property line, after the improvements?
3. Did the Commission support a variance to Policy 9/A, Placement of Structures, allowing the small shed being placed in line with the house, 5-feet off the rear property line?
4. Did the Commission support the criteria listed for locally landmarking the building?
5. Did the Commission support allowing the eaves of the shed and house to encroach 12" into the setbacks as described in Policy 9/A?

Janet Sutterley (Agent), Architect: I have nothing to add, Mr. Mosher covered everything. Nothing has changed other than cleaning up the architecture a little bit. I've reduced the depth of the shed by 2-feet to maintain the on-site parking while aligning it with the 5-foot setback. One parking spot is only 4-1/2 feet over the property line and aligns with the existing wood retaining wall already there. Thank you to staff for coordinating the well-written variances. It may seem pretty complicated, but it is really pretty straightforward. Simply, we can't comply with the suggested setbacks due to the lot split. (Mr. Allen: What would be impact of making shed small enough to get all of the parking on site?) That would get us down to about 7-feet deep, so not workable at all for the purpose. I tried but couldn't get it down any further.

Mr. Allen opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions/Comments:



- Mr. Schroder: Following staff's recommendation. This lot is the "gateway" to this block. It is a great corner, and it is currently looking pretty crummy. In support of all five questions in the report. Move forward completely without reservation. Go to final.
- Ms. Katz: Thoughtful project. It does improve the lot and makes the structure better-contribute to the neighborhood and to the historic district. Appreciate all the work. I generally dislike variances too, but I agree with all of them in this case. Fine with landmarking criteria, agree with a steeper roof, yes on question 2 on 9A. No issue with the eaves encroaching into setback either. No issues with this project on this particular lot.
- Mr. Lamb: In agreement with all. I supported it the first two times we reviewed this. This lot is the poster child for the suggested variances. In support of all five variances, good to move on.
- Mr. Pringle: Agree. In favor of all five issues. Ms. Sutterley did a great job on a very difficult site. House will look a lot more historic, reinforcing our standards.
- Mr. Bertaux: Agree with other Commissioners, support the variances. Setback issue about the shed, not a measurable concern. Needs to follow the spirit of the property and it does.
- Mr. Allen: Absolutely fantastic, support all the variances, support landmarking. No issue with the retaining wall, just an issue with the parking, prefer to see all on-site. Kind of hung up on that. We encourage sheds, I would like to see the shed get small enough to get all of the parking on site, but that is my only hang up.

**COMBINED HEARINGS:**

1. Shock Hill Cottage Footprint Lot (MGT) PC#2010014, 73 Regent Drive

Mr. Neubecker presented a proposal to create one footprint lot within the Cottages at Shock Hill. The Commission is familiar with the development; the houses go through footprint lot once they are built. No issues from staff perspective.

Mr. Tom Begley, Applicant: Mr. Neubecker covered it. This application is similar to Lots 2 and 6 you have already seen.

Commissioner Questions/Comments:

- Mr. Bertaux: Is this the employee housing unit? (Mr. Neubecker: No, the employee housing unit is across Regent Drive.)
- Mr. Pringle: So this is just a housekeeping issue? (Mr. Neubecker: Correct.)

Mr. Pringle made a motion to approve the Shock Hill Cottage Footprint Lot, PC#2010014, 73 Regent Drive, with the presented findings and conditions. Mr. Bertaux seconded, and the motion was carried unanimously (6-0).

Mr. Allen opened the hearing to public comment. There was no public comment and the hearing was closed.

2. Peak 8 Coaster Ride (CK) PC#2010013, 1599 Ski Hill Road

Mr. Bertaux abstained from the discussion as an employee of the Breckenridge Ski Resort / Vail Resorts.

Ms. Katz disclosed that she did watch the YouTube video of the Park City Coaster Ride.

Mr. Neubecker passed out questions from Ms. Girvin, who could not attend the meeting.

Mr. Kulick presented a proposal to install a new Alpine Coaster Ride and 540 square foot facilities structure at the base of Peak 8. The project would entail grading, tree removal, erection of the ride, and construction of an operations building. The ride would be approximately 2,500' long and is intended to operate during the summer and winter with the possibility of nighttime operations. The ride is similar to the Alpine Slide, but on rails instead of cement track. The Alpine Coaster would be located between Twister and Dyersville runs on Peak 8. Density for the building would come out of the Ski Area's total for skier services at Peak 8. Mr. Mosher will assist with the housekeeping and tracking of that density.

The Coaster is intended to be introduced as a new feature to bolster animation into the base area and offer an improved entertainment experience to the guests and our community. This is a summer/ winter use that will operate June 1 through September 15 and early November through mid April of each year. The Applicants are also proposing some

nighttime operations. The Coaster is an all-season ride that is similar to the existing Alpine Slide that is comprised of steel track and individual cars. Unlike the Alpine Slide, the proposed Coaster's cars are propelled up the track to the beginning of the launch point, similar to a roller coaster. Participants are strapped into the individual cars and are able to control the speed of the descent. The proposed Coaster application consists of:

- Installation of approximately 3,000' of steel track.
- Tree clearing and grubbing of approximately 0.61 acres. Slash and timber would be removed from the site and/or buried in select locations.
- Grading of approximately 0.5 acres to facilitate track installation and installation of an operations facility.
- Revegetation of disturbed areas with Forest Service approved weed free mulch.
- Water quality features to be installed per the direction of the Town Engineering Department.
- Installation of a 540 SF operations facility that would house car storage, mechanical and electrical services, a small operator's room and an overhanging roof to provide shelter during passenger loading and unloading.
- Town compliant dark sky lighting would be installed at select places along the track.

Staff had discussion with the applicants, Vail Resorts, on future plans for other recreational opportunities. At this time, the Breckenridge Ski Resort does not have any master plan for other recreational options in the area, but does continue to evaluate concepts as they arise.

Staff did consult with the Town's wildlife biologist on the project, who responded just a day prior to the Planning Commission meeting. The consultant stated that the Coaster would create some habitat fragmentation, but that fragmentation already existed in the area, so a large additional impact would not be created. Noise would actually be less than the existing Alpine Slide.

**Point Analysis (Section: 9-1-17-3):** Staff found that all Absolute policies would be met with this application. Staff recommended positive three points (+3) under policy 20/R-Recreational Facilities, as well as two negative points (-2) under policy 7/R-Site and Environmental Design, for a passing score of positive one point (+1).

Staff welcomed any Commissioner comment. This application was advertised as a Combined Preliminary and Final Hearing. If the Commission has concerns with approving this application as a Combined Hearing, Staff asked that the Commission continue the application to a later date, providing Staff and the applicant time to address any concerns.

Mr. Jeff Zimmerman, Vail Resorts (Applicant): I have nothing to add, Mr. Kulick summarized appropriately. I have brought more photos if that would help, and am happy to answer any questions. (Mr. Zimmerman introduced Mr. Gary Shimanowitz, Manager of Mountain Operations for the Breckenridge Ski Resort.)

**Commissioner Questions/Comments:**

Mr. Lamb: Will this replace the Alpine Slide? (Mr. Zimmerman: No. The Alpine Slide is a summer only attraction. The Alpine Coaster will be year round.) How high off the ground? (Mr. Zimmerman: The average elevation is 1 meter (3-4 feet). It runs with the topography of the land. The sections that cross over the road are higher, 14-15 feet, so the snow cats can go under in those locations. There will be a dozer and blower or manual labor to clear the snow off the track, if needed.)

Mr. Pringle: What is the material going to be around the track? (Mr. Zimmerman: Anywhere the track is higher off the ground there will be netting for safety. We tried to minimize how much netting for cost reasons and to make the ride more exciting, so most of the track is closer to the ground.) What about pine beetle? If the trees die around the ride, what is the plan for revegetation? Do you anticipate to replace the buffer? (Mr. Zimmerman: Fairly healthy stand, not a lot of lodgepoles in there; but there is extensive long range management program with the ski area to address that.) (Mr. Shimanowitz: Similar to what we do on the lift line. We would selectively cut dead and dying trees, and we are currently reviewing our plan with the Forest Service now.) We anticipate some deforestation. Want to anticipate that we may need to have to plant some trees. (Mr. Zimmerman: If it gets to the point that we need to do it in the area, we can certainly look at that. The site is flanked on both sides by huge clear cuts, the ski runs. Track is low throughout; it is going to be hidden visually. It will be something to look into in the future.)

- Mr. Allen: How does this get evaluated in terms of landscaping? (Mr. Kulick: Because this will be in an already treed area, we see buffering around the attraction already. We do not see this as an issue.) (Mr. Neubecker: We see this as a recreational opportunity; we do not see this as regular development requiring additional landscaping.) Would you revegetate? (Mr. Shimanowitz: Not in the current Forest Service plan; we follow the Forest Service guidelines.) (Mr. Zimmerman: We will follow Forest Service prescriptions. Map is showing 0.61 acres of clearing. Working the scalloping feature into the Coaster to enhance the ride.) Compared to the Alpine Slide, will the visual impact will be less? (Mr. Zimmerman: Definitely, the Alpine Slide is almost entirely in the open, the Alpine Coaster will be almost 90- 95% in the trees.)
- Mr. Schroder: Thinking about the visual impact. Spoke to my 6 year old daughter, who wants to make sure it doesn't impact the skiing experience. If it is at night and in winter, will it impact the ski experience, will the lights impact the area at night? (Mr. Zimmerman: Lighting is not anticipated to be like the half pipe. Lighting at the maintenance facility and where you get on and off. Lights periodically along the ride will be more accent lighting. Coming in and out of the lighted areas enhances the ride.) (Mr. Shimanowitz: Many times in the summer, the Alpine Slide was at capacity. People were waiting in line. This is an additional option for all age guests. On skiing, the Coaster will be elevated over the ski trails, skiers can go under where the snow cats can drive under.) What about lightning? (Mr. Zimmerman: Safety is first priority, but lighting will be accent along the track.)
- Mr. Allen: Ms. Girvin had a question about safety and who maintains the Coaster. (Mr. Zimmerman: The track is monitored by the Department of Labor because it is closed loop system. Same people that inspect rides at fairs and Elitch's. The Alpine Slide is monitored by the Colorado Tramway Board because it is not a closed loop system. There is a licensing process for the Coaster and it will be built to ASTM insurance standards and TUV engineering standards, which are more stringent than ISO.) Building and roof pitch? (Mr. Zimmerman: Roof will be 5:12, we kept it as low as possible to still get drainage. On a bit of a hillside, and we did not want it too steep against that hillside. Less visual impact.) Lighting, can you expand a little bit on that? To Staff, do they have to have code compliant lighting? (Mr. Kulick: They would have to comply with the Town Lighting Ordinance. The half pipe is a temporary special event; the Coaster would be permanent and would have to comply with the Town of Breckenridge lighting ordinance.) (Mr. Neubecker: There could be security lighting during construction, but permanent lighting would have to comply with Town Lighting policy.) (Mr. Zimmerman: Light would be above shining down.)
- Mr. Schroder: Timeline for construction if you get approval? (Mr. Zimmerman: We hope to be in operation by August, 2010.) (Mr. Shimanowitz: 8 weeks for production, 8 weeks for construction.)
- Mr. Allen: Roof pitch, other similar examples? (Mr. Neubecker: Newer buildings are generally 8:12. Older are closer to 5:12.) (Mr. Mosher: Impact to hillside is brought down with lower pitch.) (Mr. Kulick: It is a secondary building.) (Mr. Neubecker read from the Master Plan for the Peak 8 Base Area: main guest arrival location busier, high energy location facilities to serve Peak 8, visitors and guests mountain front plazas visual impacts minimized using stepped down roof lines. Under design standards: Architecture will present rustic mountain lodge style, large sheltering roof forms, sense of informality, wood elements stained with muted colors, design diversity based on these qualities. This anticipates large grand lodge style buildings.) (Mr. Zimmerman: The roof is asphalt shingles, with added details on the columns.)
- Mr. Pringle: Amount of grading? (Mr. Zimmerman: Yes, some grading to align the track.) Roof? (Mr. Zimmerman: It could be 6:12 or 7:12 with no issues. More than that we would have some issues.)
- Ms. Katz: I don't think anyone wants this building to mimic One Ski Hill Place.
- Mr. Pringle: What about the kids' ski school sprung building? (Mr. Zimmerman: That sprung is tied to opening of Building 804.)

Mr. Allen opened the hearing to public comment.

Ben Brewer: How do people get up to the base of this? (Mr. Shimanowitz: In the winter we will put temporary stairs in the snow. In the summer, guests will just walk up the kids castle stairs.) (Mr. Zimmerman: One can also ski to it from Chair 7. Similar access as how kids get into the sprung building.)

Joe Foreman: Construction impact to public land? Impact on water quality? (Mr. Zimmerman: No impacts to public lands. Above triangle of land near kids castle. On water quality, any erosion will have revegetation

afterwards and we will also adhere to any recommendations from the Town Engineer. Water bars will go to the south of the Forest Service land so no earth drains onto forest service land.)

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

- Mr. Allen: Why did the bottom of the Coaster not come down a little closer to the base area? (Mr. Zimmerman: Only so much room to not impact skiing. Does allow walking and skiing access but does not impact the congestion at the base of Peak 8. Did not want to impact the skiing experience at all.)
- Ms. Katz: What about conflict between pedestrians and skiers? (Mr. Shimanowitz: We will place temporary fencing to direct the Coaster guests.) (Mr. Zimmerman: Safety is the first priority.) (Mr. Shimanowitz: Similar access as getting to Rips Ride.)
- Mr. Kulick: What about ticketing, where will that happen? (Mr. Zimmerman: The Coaster building is for storage and maintenance. We anticipate guests will buy tickets at the base area.)
- Mr. Pringle: Debate among people in Town with commercial activity up at Peak 8. More activity is ok, but want less commercial. More animation is great for the guests and for the Town. Wonderful amenities to have up there. Need to pay close attention to impacts, future loss of vegetation. No problem with night proposal at this time. Don't think this will be noticeable at all from Town. Organized architectural character for these outbuildings. Need to be great stand alone structure and not too much clutter. This building won't throw it out of whack, you won't see this one. (Mr. Shimanowitz: We are trying to mimic the architecture of the smaller buildings when we redo them.)
- Mr. Lamb: After 22 years, I finally rode the Alpine Slide last summer, it was a blast. I never knew how much goes on up there in the summer. I think this is needed. I was amazed how many people are up there in the summer. I thought this was replacing the Alpine Slide. I trust you on the grading and water quality.
- Ms. Katz: I am fine with it, and it passes the point analysis. When I was on Town Council and we talked about running the gondola in the summer, this is what we hoped for. Hope the Town and the Ski Area can figure this out and get the cars off ski hill road. Zero impact. I am fine with it.
- Mr. Schroder: The vitality is great. In support of recreational opportunities.
- Mr. Allen: I agree with everyone, adds vitality. Concern is revegetation over next few years. Also concerned about 5:12 roof pitch. Doesn't delineate between large and small buildings. Would like to see 8:12 pitch on roof. Hillside will still help screen this. (Mr. Zimmerman: No reason we couldn't go steeper. How can we do that?) (Mr. Neubecker: We can agree on the floor to go to 8:12 or have it be an additional finding of condition.) (Ms. Katz: We did not think in the Master Plan language about the smaller outbuildings.) (Mr. Neubecker: You can amend the master plan if needed.) (Mr. Mosher: One way might be to add gables for the entry to embellish the building.)
- Mr. Lamb: I hear what Mr. Allen is saying, but I don't find it objectionable in this location. (Ms. Katz: I agree. It fits for what it is.) (Mr. Schroder: I agree with the way it looks as it is presented.)
- Mr. Pringle: Recommended a tie-in to Building 801. (Mr. Zimmerman: We spent a lot of time on the roof design. Functionally the geometry works best, could easily be 6:12. To go to 8:12 is more complication. 6:12 is no issue, adding dormers and gables would be bumping into cost, then it becomes a bigger building.)

Mr. Pringle made a motion to approve the point analysis for the Peak 8 Coaster Ride, PC#2010013, 1599 Ski Hill Road. Mr. Lamb seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the Peak 8 Coaster Ride, PC#2010013, 1599 Ski Hill Road, with the presented findings and conditions and an additional condition of approval for prior to construction that the roof pitch would be increased to 6:12. Ms. Katz seconded, and the motion was carried unanimously (5-0).

**OTHER MATTERS:**

- Mr. Allen: Concerning the site visit last week to the net zero house. Putting geothermal outside of disturbance envelope; since every home being built takes up the entire disturbance envelope, do we need to allow that? Concern is the disturbance resulting from the drilling.
- Mr. Schroder: Would you be on your neighbor's property? (Mr. Allen: No, you would be on your own property.)
- Mr. Lamb: Can you drill the holes under where the foundation will be? (Mr. Allen yes, but concern was if system failed.)

- Mr. Kulick: Could do an exception with negative points, but require them to revegetate, reseed?
- Mr. Pringle: When you talk about a disturbance envelope, you are talking about violating the disturbance envelope. We need to think about the change to our code.
- Mr. Allen: Do we want to put this on the agenda and talk about it?
- Mr. Pringle: Absolutely.
- Mr. Mosher: Issue with the Shores was sediment that came out of the drilling.
- Mr. Allen: Put on the agenda, do some research and call some other Towns, find out what the issues would be.
- Ms. Katz: Good to do it now instead of under the gun with an application.
- Mr. Pringle: Have to be careful about building envelope which creates issues. Need to tread carefully with the fact that you can't mitigate the negative points of an absolute policy by doing geothermal.
- Ms. Katz: Need to touch on these things as an educational process.
- Mr. Pringle: We are designing renewable energy policy for the town like a horse and buggy when someone else is out there developing a jet engine.
- Mr. Mosher: Need to get other departments involved, engineering, public works, building, etc.

Mr. Neubecker told the Commission that the Ski Area has approached the Town about running the gondola more frequently and during the summer. We have done some research about what is allowed. There are some rules about construction and maintenance noise. There is a good chance it will run in the summer.

#### ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

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Rodney Allen, Chair



**Class C Development Review Check List**

**Project Name/PC#:** Bartolucci Residence PC#2010015  
**Project Manager:** Chris Kulick, AICP  
**Date of Report:** March 4, 2010 For the March 16, 2010 Planning Commission Meeting  
**Applicant/Owner:** Daniel & Elena Bartolucci  
**Agent:** Frederico Valdez III, Valdez Architects  
**Proposed Use:** Single-Family Residential  
**Address:** 9 White Cloud Drive  
**Legal Description:** Lot 8, Block 1, Warriors Mark West #3  
**Site Area:** 13,082 sq. ft. 0.30 acres  
**Land Use District (2A/2R):**

**Existing Site Conditions:** 30.5: residential per plat  
 The lot slopes downhill from northwest to southeast at an average of 7%. The site is heavily covered with lodge pole pine trees.

**Density (3A/3R):** Allowed: 4,500 sq. ft. Proposed: 3,203 sq. ft.  
**Mass (4R):** Allowed: 4,500 sq. ft. Proposed: 3,994 sq. ft.  
**F.A.R.** 1:3.28 FAR  
**Areas:**  
**Lower Level:** 1,593 sq. ft.  
**Main Level:** 1,610 sq. ft.  
**Upper Level:**  
**Accessory Apartment:**  
**Garage:** 791 sq. ft.  
**Total:** 3,994 sq. ft.

**Bedrooms:** 4  
**Bathrooms:** 3.5  
**Height (6A/6R):** 29 feet overall  
 (Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
 Building / non-Permeable: 2,384 sq. ft. 18.22%  
 Hard Surface / non-Permeable: 1,410 sq. ft. 10.78%  
 Open Space / Permeable: 9,288 sq. ft. 71.00%

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

**Snowstack (13A/13R):**  
 Required: 353 sq. ft. (25% of paved surfaces)  
 Proposed: 368 sq. ft. (26.10% of paved surfaces)

**Fireplaces (30A/30R):** Three - gas fired

**Accessory Apartment:** None

**Building/Disturbance Envelope?** Setbacks Per Plat

**Setbacks (9A/9R):**  
 Front: 28 ft. Minimum 25ft.  
 Side: 17 ft. Minimum 15ft.  
 Side: 15 ft. Minimum 15ft.  
 Rear: 32 ft. Minimum 25 ft.

**Architectural Compatibility (5/A & 5/R):** The residence will be compatible with the land use district and surrounding residences. However the residence does have non-natural material elements beyond the 25% threshold on both the south (29%) and west (36%) elevations. Due to these overages, staff is recommending three negative points (-3) under policy 5/R: Architectural Compatibility.

**Exterior Materials:** 1"x6" cedar horizontal channel lap siding, concrete fiber board panels, stucco accents, non-reflective metal trim and dry stacked natural stone

**Roof:** Composite shingles and non-reflective standing seam metal roofing

**Garage Doors:** Translucent Carbonate Panels

**Landscaping (22A/22R):**

Planting Type	Quantity	Size
Colorado Spruce	2	2 @ 6 feet tall
Aspen	2	2.5 inch caliper - multi-stem
Shrubs and perennials	8	5 Gal.

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

**Energy Conservation (33R):**

This proposed residence is significantly more energy efficient than the typical residence built to the minimum energy code. To demonstrate the energy efficiency level of this home, the applicants have obtained a HERS rating. Under the HERS rating system a home built to the specifications of the HERS Reference Home (based on the 2006 International Energy Conservation Code) scores a HERS Index of 100, while a net zero energy home scores a HERS Index of 0. A 1 point drop in HERS score equals a 1% energy savings. The lower a home's HERS Index, the more energy efficient it is in comparison to the HERS Reference Home. Homes that receive a HERS score under 80 are qualified by the U.S. Environmental Protection Agency as an Energy Star Home. This proposed residence obtained a 79 HERS rating. Due to this score, which is below the maximum required for Energy Star certification, staff is recommending three positive (+3) points under POLICY 33/R: Energy Conservation. Below is specific language from Policy 33/R. Additionally we have included the Energy Star home report for this application in your packet.

*33 (Relative) Energy Consumption: Energy conservation measures beyond those required by the State Code ( 2006 International Energy Conservation Code) are encouraged. 3 x (-2/+2) B. Energy Conservation: Structures shall be oriented in such a way as to be conducive to the conservation of energy and to the mitigation of the adverse elements of climate, aspect and elevation. In addition, the installation of additional insulation to mitigate heat loss over and above that required by the State Energy Code is strongly encouraged. Elements which are encouraged are: southern orientation of windows, few windows on the north side of buildings, few or no open breezeways, the provision of airlock entryways, and the addition of insulation over and above that required by the uniform building and energy codes.*

**Driveway Slope:** 7 %  
**Covenants:** Standard landscaping covenant

**Point Analysis (Sec. 9-1-17-3):** An informal point analysis was conducted for this proposed residence and three negative (-3) points were suggested under Policy 5/R: Architectural Compatibility and three positive (+3) points under Policy 33R: Energy Conservation. This project is recommended to pass with a score of zero (0) positive points.

**Staff Action:** Staff recommends approval of the Bartolucci Residence, PC#2010015, located at 9 White Cloud Drive, Lot 8, Block 1, Warriors Mark West #3, with the attached findings and conditions.

**Comments:**

**Additional Conditions of Approval:**

## TOWN OF BRECKENRIDGE

**Bartolucci Residence  
Lot 8, Block 1, Warriors Mark West #3  
9 White Cloud Drive  
PC#2010015**

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

### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **March 4, 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 **April 6, 2010** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **October 13, 2011**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.



7. At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. An improvement location certificate of the height of the top of the foundation wall and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.
10. At no time shall site disturbance extend beyond the limits of the platted site disturbance envelope, including building excavation, and access for equipment necessary to construct the residence.
11. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

#### **PRIOR TO ISSUANCE OF BUILDING PERMIT**

12. Applicant shall submit proof of ownership of the project site.
13. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
14. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
15. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
16. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
17. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
18. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
19. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

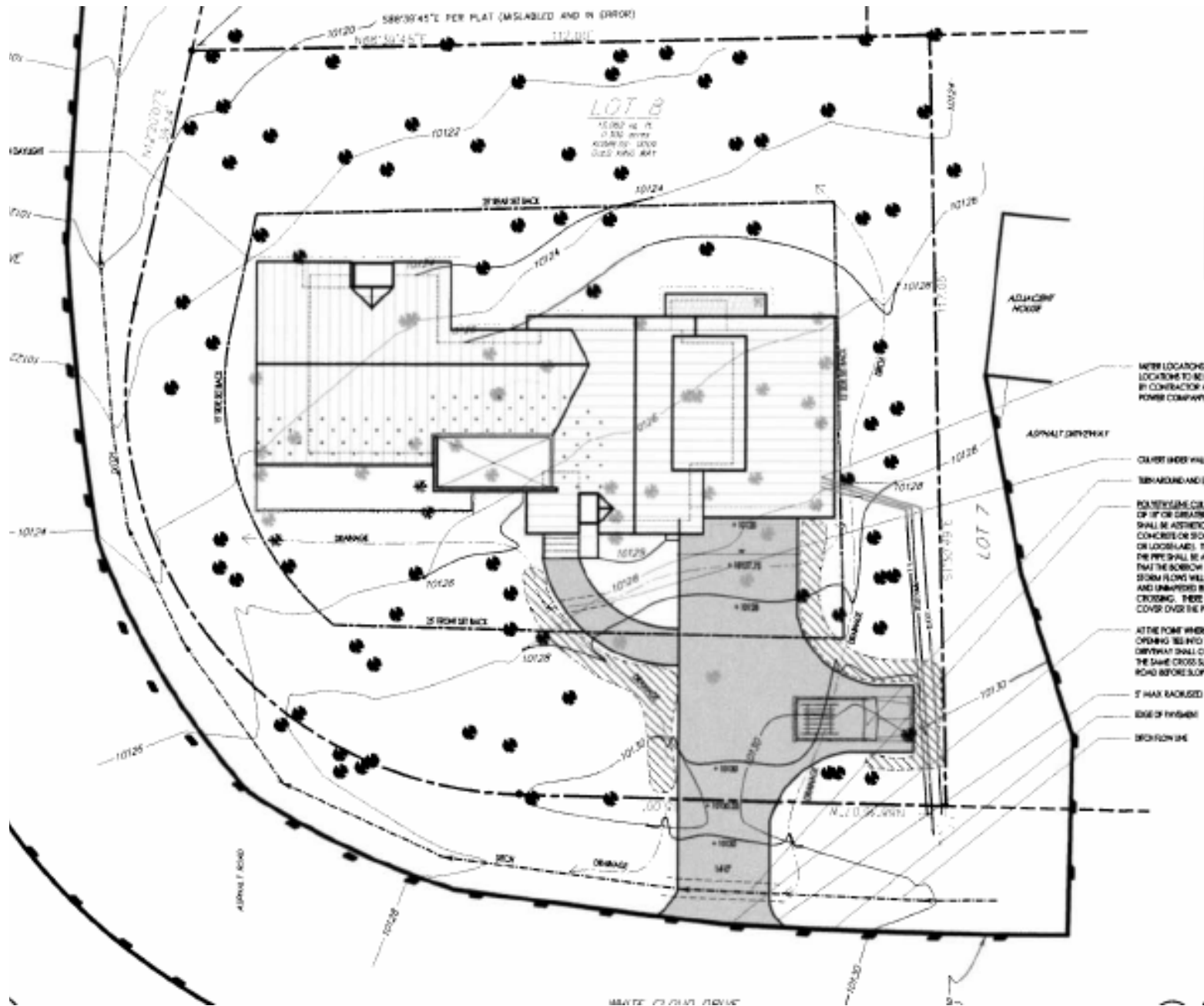
#### **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

20. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.

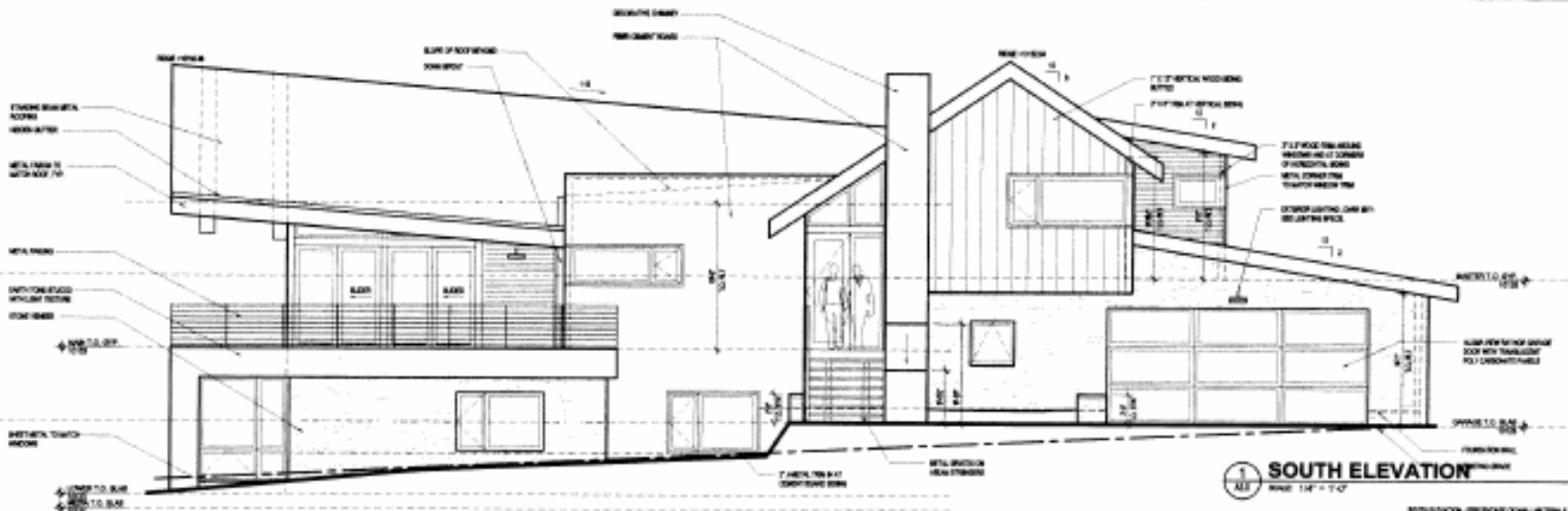
21. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
22. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property. Applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.
23. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
24. Applicant shall screen all utilities.
25. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
26. 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.
27. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
28. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
29. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
30. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the

impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

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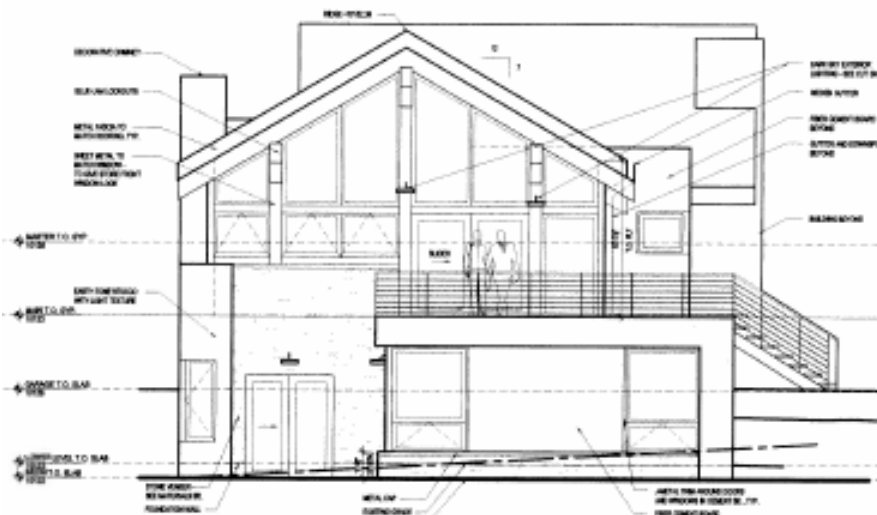
- NEW LOCATIONS LOCATIONS TO BE BY CONTRACTOR IN POWER COMPANY
- ASPHALT DRIVEWAY
- EXISTING SIDE WALK
- SEWERAGE AND IS
- FOR NEW SLOPE OR UP OR GRADE SHALL BE ASPHETIC CONCRETE OR SOFT OR LOCKEABLE. IN THE PPE SHALL BE ALL THAT THE SCHEDULE FROM FLOOR WALK AND UNAPPROVED BY CROSSING. THERE IS COVER OVER THE PE
- AT THE POINT WHERE CROSSING IS WITHIN DRIVEWAY SHALL CO THE SAME CROSSING ROAD BEFORE SLOPE
- 5" MAX RADIUS J
- EDGE OF DRIVEWAY
- SECTION 146



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

**WEST ELEVATION FINISHES OF WALL MATERIALS**

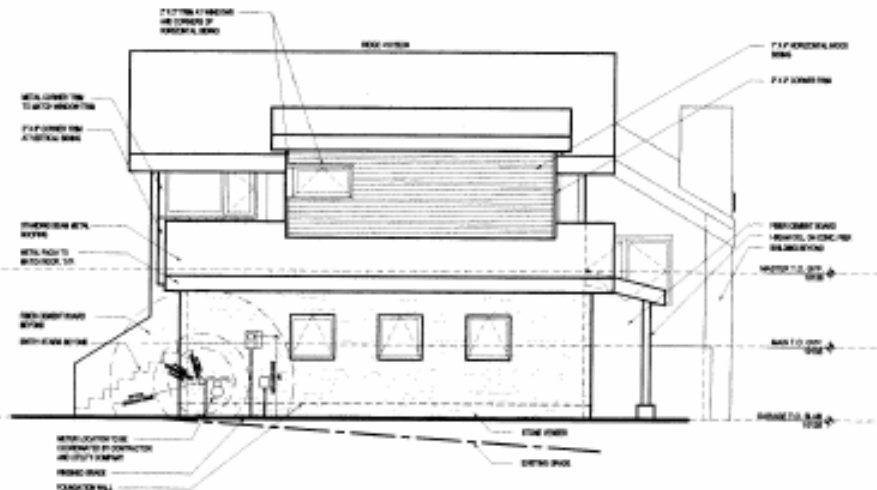
1 STONE BOARD	30.00 FT.
2 WOOD BOARD	48.00 FT.
3 BRICK	48.00 FT.
4 CONCRETE BOARD	12.00 FT.
5 STUCCO	12.00 FT.
<b>TOTAL</b>	<b>150.00 FT.</b>
1.0 FINISHING ALLOWANCE	28.00 FT.
<b>TOTAL HORIZONTAL</b>	<b>178.00 FT. ± 0"</b>



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

**WEST ELEVATION FINISHES OF WALL MATERIALS**

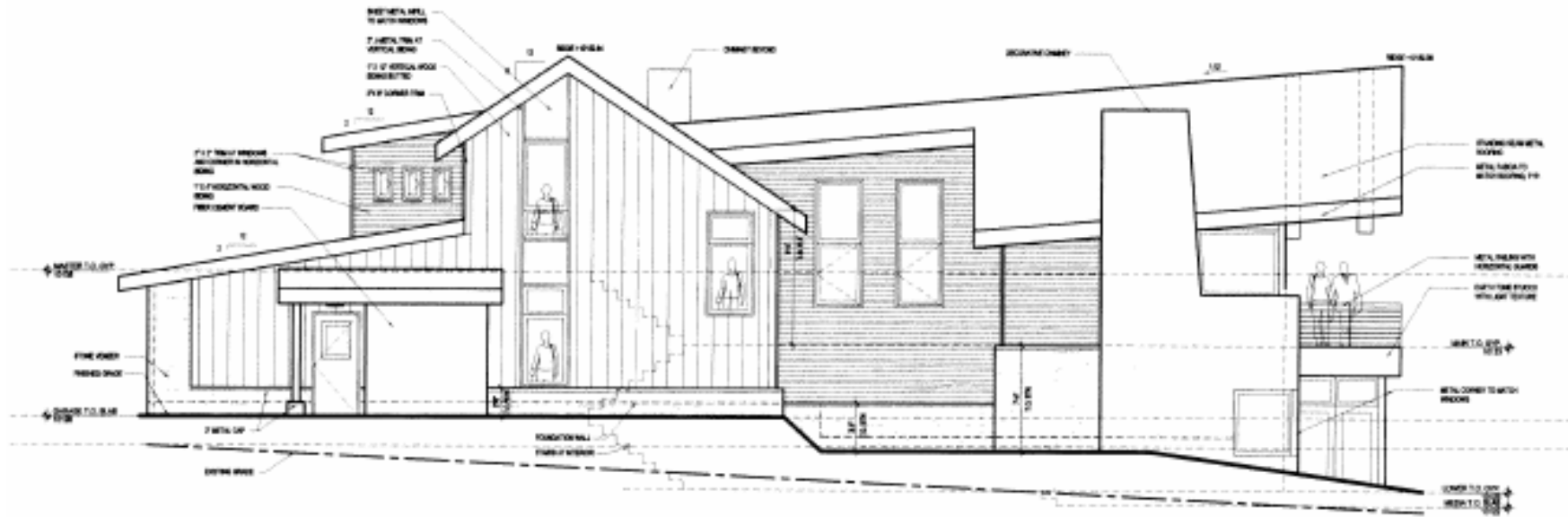
1 STONE BOARD	30.00 FT.
2 BRICK	48.00 FT.
3 CONCRETE BOARD	12.00 FT.
4 STUCCO	12.00 FT.
<b>TOTAL</b>	<b>102.00 FT.</b>
1.0 FINISHING ALLOWANCE	28.00 FT.
<b>TOTAL HORIZONTAL</b>	<b>130.00 FT. ± 0"</b>



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

**EAST ELEVATION FINISHES OF WALL MATERIALS**

1 STONE BOARD	27.00 FT.
2 WOOD BOARD	30.00 FT.
3 BRICK	48.00 FT.
4 CONCRETE BOARD	12.00 FT.
5 STUCCO	12.00 FT.
<b>TOTAL</b>	<b>129.00 FT.</b>
1.0 FINISHING ALLOWANCE	21.00 FT.
<b>TOTAL HORIZONTAL</b>	<b>150.00 FT. ± 0"</b>



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

**1 NORTH ELEVATION - PERCENTAGE OF WALL MATERIAL**

1. STONE CORNER	18 SQ. FT.
2. BRICK WORK	78 SQ. FT.
3. GLASS	20 SQ. FT.
4. CLAY TILE	8 SQ. FT.
5. SILLING	24 SQ. FT.
<b>TOTAL</b>	<b>148 SQ. FT.</b>
6. STRUCTURAL ALLOWED	148 SQ. FT.
<b>TOTAL REMAINING</b>	<b>0 SQ. FT. (0%)</b>



# High Country Conservation Center

P.O. Box 4506, Frisco, CO 80443 ~ (970) 668-5703 ~ fax (970) 668-2613

recycle@colorado.net ~ www.highcountryconservation.org

This contract is for ENERGY STAR certification for Valdez Architects, 9 White Cloud Dr., Lot 8, Block 1, Warrior's Mark West Bartolucci Residence in Breckenridge, CO.

HC3's Scope of Work includes the following services:

- From plans rating for ENERGY STAR certification  
**Total \$500.00**
- Framing inspection
- Insulation inspection pre-drywall
- Final blower door testing
- Final inspection
- ENERGY STAR Certification paperwork and documentation
- A *reasonable* number of extra site visits  
**Total \$700.00**

**Total Fee \$1,200.00**

HCCC will perform all tasks on a lump sum basis pursuant to the Cost Estimate indicated above. Monthly invoices will be submitted throughout the term of the project that describes the professional services rendered. The invoice amount for each month will be based upon the approximate percent of the Scope of Work completed and billed as a percent of the total contract amount. There will be a 3 percent finance charge per month compounded monthly on any portion of an account that becomes overdue. Accounts are considered overdue if payment is not received within 30-days of the invoice date. Should existing site conditions and/or scope of work vary from the conditions and information used to develop this budget, the client will be notified of the additional, estimated cost required to complete the project. Additional inspections and modeling is available for \$50 per/hr. as needed.

HCCC is prepared to undertake the above stated Scope of Work upon receipt of a Notice to Proceed from the client by signing below.

Signature Jon Kinstad

Date 3/10/10

Signature Daniel Bartolucci

Date 3/11/10

Thank you,

Jon Kinstad  
[jon@highcountryconservation.org](mailto:jon@highcountryconservation.org)  
970-485-3509



**ENERGY STAR HOME REPORT**

Date:	March 30, 2010	Rating No.:	
Building Name:	Bartolucci Residence	Rating Org.:	High Country Conservation Cntr
Owner's Name:	Bartolucci	Phone No.:	970-668-5703
Property:	9 White Cloud Dr	Rater's Name:	Matt Wright
Address:	Breckenridge, CO 80424	Rater's No.:	probationary
Builder's Name:	Pinnacle Mountain Homes		
Weather Site:	Dillon, CO	Rating Type:	Projected Rating
File Name:	9 White Cloud Dr. Bartolucci.blg	Rating Date:	3/24/10

**Normalized, Modified End-Use Loads (MMBtu/year)**

	<i>ENERGY STAR</i>	<i>As Designed</i>
Heating:	83.1	76.2
Cooling:	2.9	2.0
Water heating:	13.6	11.2
Lighting & Appliances:	29.7	38.5
<b>Total:</b>	<b>129.3</b>	<b>127.8</b>
<b>HERS Index:</b>	<b>80</b>	<b>79</b>

**ENERGY STAR Mandatory Requirements**

<input checked="" type="checkbox"/> Thermal Bypass Inspection Checklist *	<input checked="" type="checkbox"/> ENERGY STAR Products *
<input checked="" type="checkbox"/> Ductwork Requirements	<input checked="" type="checkbox"/> ENERGY STAR Scoring Exceptions

\* Thermal Bypass Checklist and ENERGY STAR Products are not checked in REM/Rate at this time.

**This home MEETS OR EXCEEDS the energy efficiency requirements for designation as an EPA ENERGY STAR Qualified Home.**

<b>Pollution Prevented</b>		<b>Energy Cost Savings (\$/year)</b>	
<i>Type of Emissions</i>	<i>Reduction</i>		
Carbon Dioxide (CO2) - tons/yr	1.8	Heating:	\$203
Sulfur Dioxide (SO2) - lbs/yr	0.0	Cooling:	\$15
Nitrogen Oxides (NOx) - lbs/yr	4.3	Water Heating:	\$39
		Lights & Appliances:	\$-38
		<b>Total:</b>	<b>\$219</b>

The energy savings and pollution prevented are calculated by comparing the Rated Home to the Reference Home as defined in the "Mortgage Industry National Home Energy Rating Systems Standards" as promulgated by the Residential Energy Services Network (RESNET). In accordance with these guidelines, building inputs affecting setpoints, infiltration rates, window shading and the existence of mechanical systems may have been changed prior to calculating loads.

**REM/Rate - Residential Energy Analysis and Rating Software v12.71**

This information does not constitute any warranty of energy cost or savings.  
© 1985-2009 Architectural Energy Corporation, Boulder, Colorado.



## Planning Commission Staff Report

- Project Manager:** Chris Kulick, AICP
- Date:** March 25, 2010 (For meeting of April 6, 2010)
- Subject:** Tyra Summit Condominiums Exterior Remodel (Class C Minor, PC# 2010018)
- Applicant/Owner:** Tyra Summit Condominiums Homeowner's Association
- Agent:** Robbie Dickson, Equinox Architecture
- Proposal:** This is an exterior renovation of the existing Tyra Summit Condominiums buildings A & B. Total scope of the project includes the installation of new roof and fascia, siding and trim, windows, doors, light fixtures, resurfacing decking, and new stain colors. A material and color sample board will be available for review at the meeting.
- Address:** 800 Four O'Clock Road
- Legal Description:** Summit Condominiums, Buildings A & B
- Site Area:** 3.6 acres (approximately 156,816 sq. ft.)
- Land Use District:** 10: Residential, up to 4 UPA
- Site Conditions:** The site has two four and a half-story existing structures containing thirty-six residential condominium units. Surface parking is located on the southeast side of the buildings and the site has some existing landscaping. The Four O'Clock Run ski trail is located directly adjacent of the property to the northwest.
- Adjacent Uses:** Residential, ski area (Four O'Clock Run)
- Density/Mass:** No change
- Height:** No change
- Parking:** No change
- New Landscaping:** No change

### Item History

The Tyra Summit Condominiums were constructed in 1980, and contain thirty-six 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 vertical siding
- New cedar trim
- Vertical, pre-finished, corrugated metal (less than 25% per façade)
- New code compliant exterior lighting
- Resurfacing of decking
- New walkways & stairways
- New color scheme

**Architectural Compatibility (5/A & 5/R):** The Tyra Summit Condominiums exterior 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 Tyra Summit 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 Tyra Summit Condominiums Remodel, PC#2010018, located at 800 Four O'Clock Road, Tyra Summit Condominiums, with the standard findings and conditions.

## TOWN OF BRECKENRIDGE

**Tyra Summit Condominiums  
Exterior Remodel  
800 Four O'Clock Road  
PERMIT #2010018**

### 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 **March 25, 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 **April 6, 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 **October 13, 2011**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 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

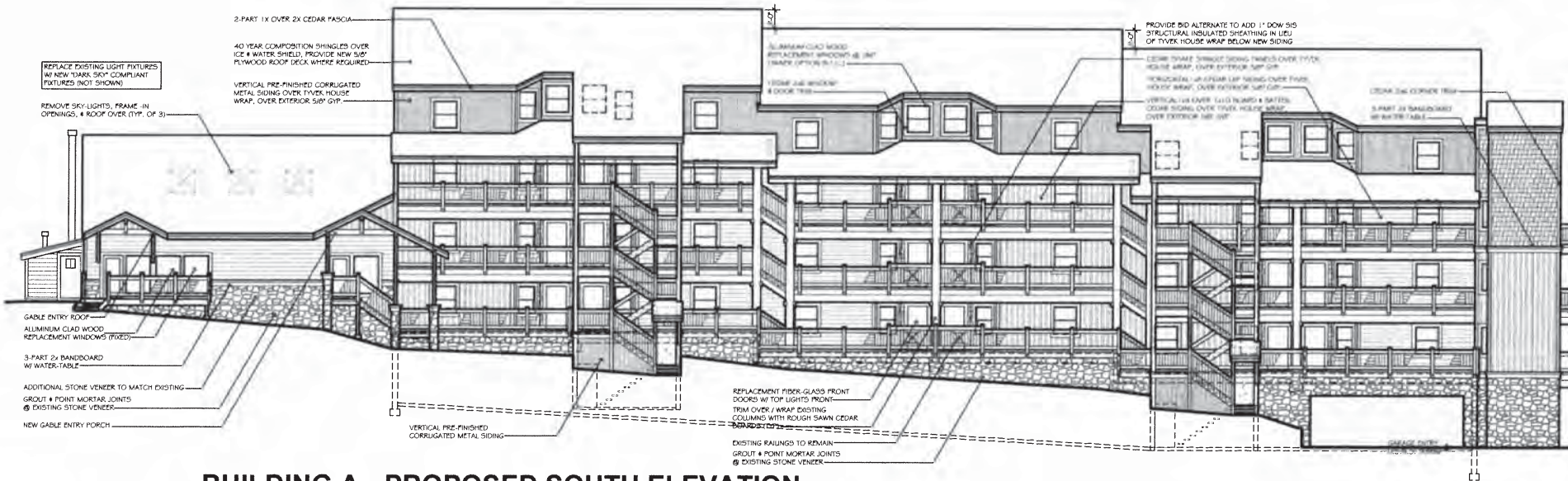
10. Applicant shall submit proof of ownership of the project site.
11. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
12. Applicant shall identify all existing trees that are specified 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 COMPLIANCE

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

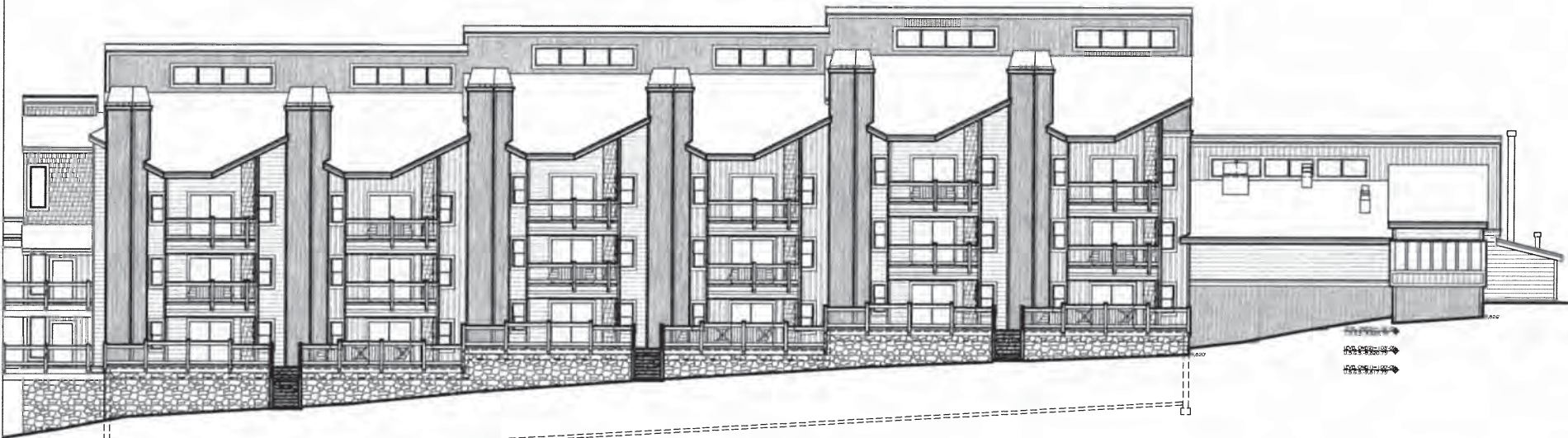
within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition 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.



**BUILDING A - PROPOSED SOUTH ELEVATION**

1/8"=1'-0"



**BUILDING A - PROPOSED NORTH ELEVATION**

1/8"=1'-0"

**Tyra Summit Condominiums  
Exterior Remodel  
Buildings A & B**



800 & 940 Front Street East  
Town of Breckenridge, Summit County, Colorado

**EQUINOX  
ARCHITECTURE LLC**  
P.O. Box 6217, Breckenridge, CO 80424  
970.463.9619 (phone & fax)  
www.equinoxarchitecture.com

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checked by	RKD
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**BUILDING A - PROPOSED WEST ELEVATION**

1/4"=1'-0"

Tyra Summit Condominiums  
 Exterior Remodel  
 Buildings A & B  
 800 & 840 Park Dr. Clark Road,  
 Town of Breckenridge, Summit County, Colorado



**EQUINOX**  
 ARCHITECTURE, LLC  
 P.O. Box 6217, Breckenridge, CO 80424  
 970-453-5619 (phone & fax)  
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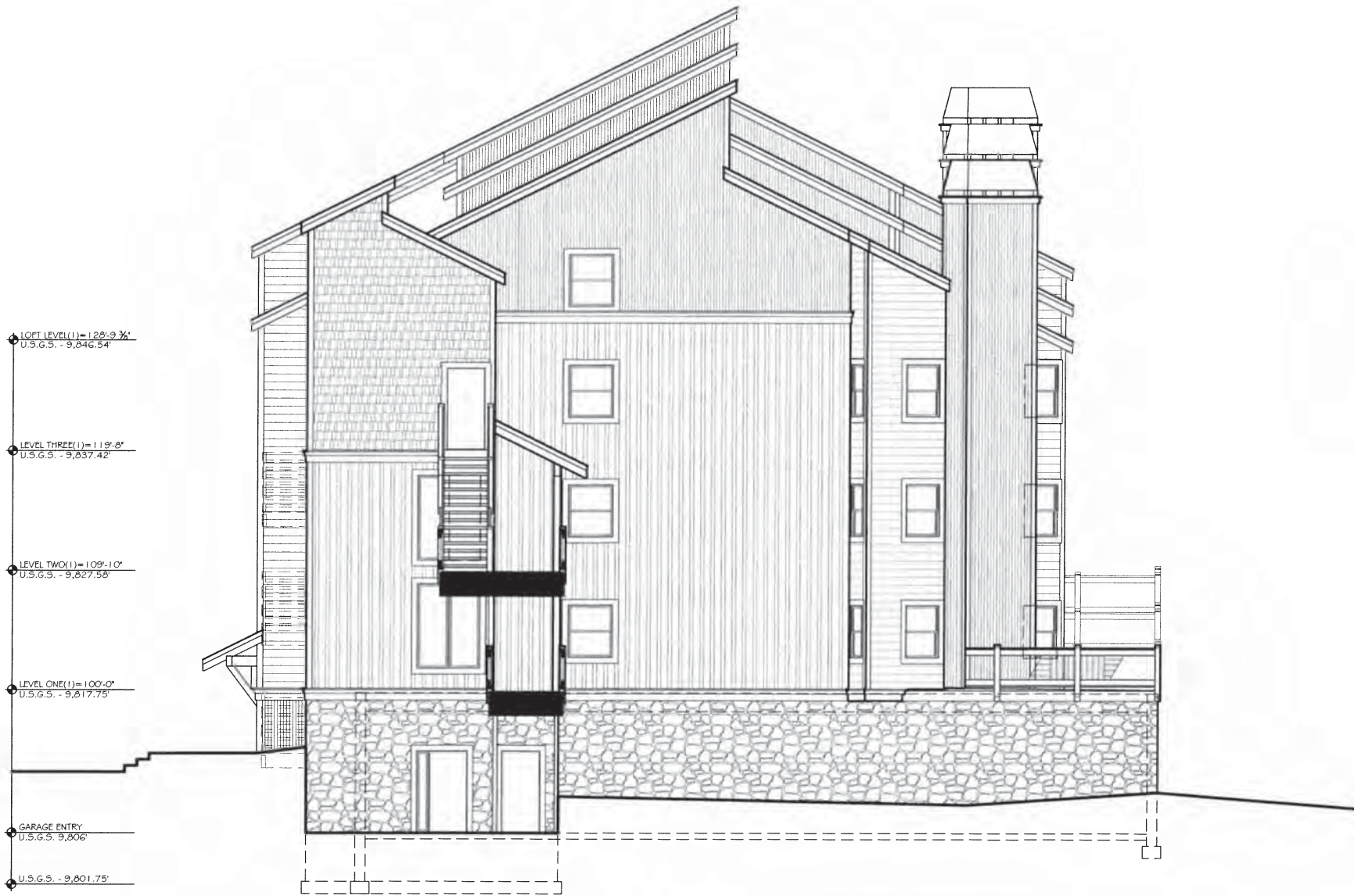
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**BUILDING A - PROPOSED EAST ELEVATION**

1/4"=1'-0"

Tyra Summit Condominiums  
 Exterior Remodel  
 Buildings A & B  
 800 # 6403 Park Of Clack Road,  
 Town of Breckenridge, Summit County, Colorado



**EQUINOX**  
 ARCHITECTURE LLC  
 P.O. Box 6217, Breckenridge, CO 80424  
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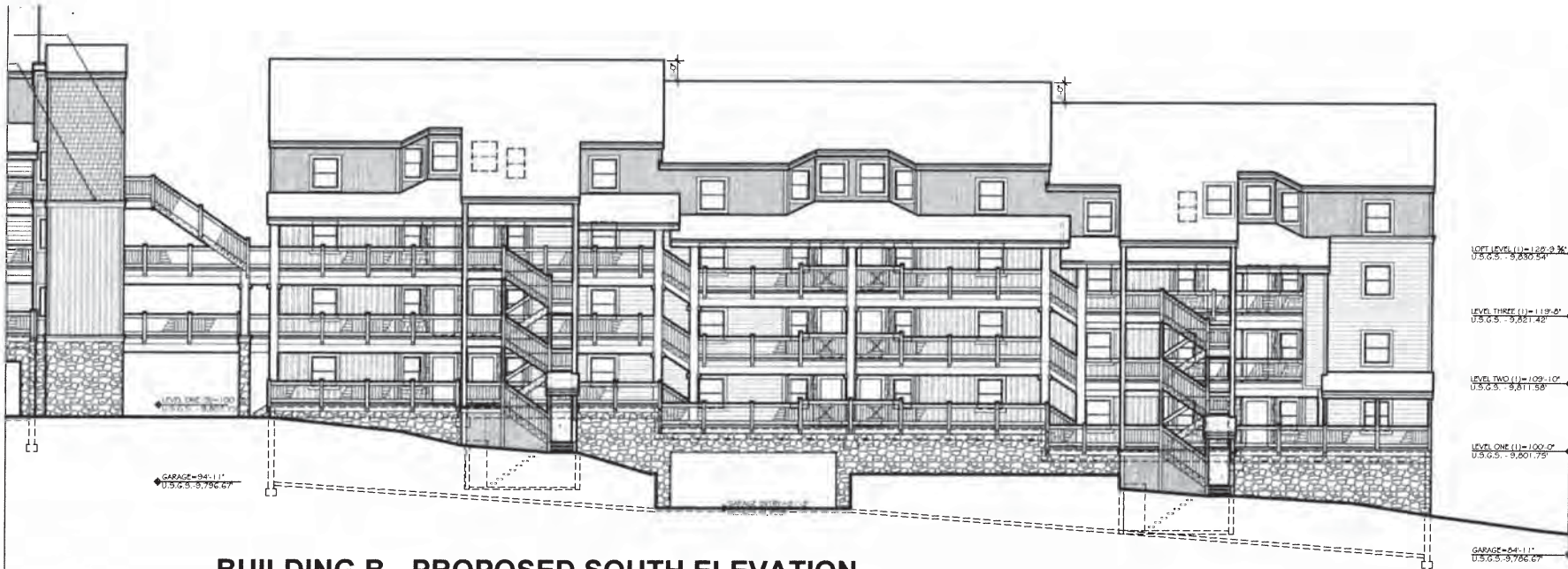
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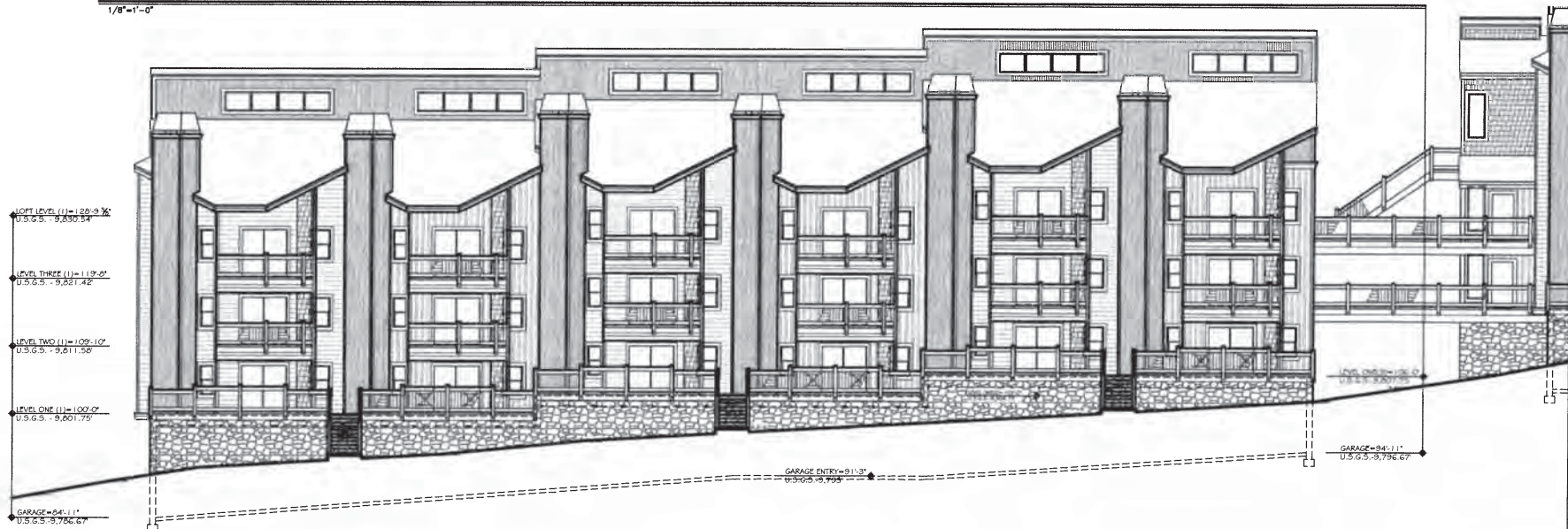
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**BUILDING B - PROPOSED SOUTH ELEVATION**

1/8"=1'-0"



**BUILDING B - PROPOSED NORTH ELEVATION**

1/8"=1'-0"

Tyra Summit Condominiums  
 Exterior Remodel  
 Buildings A & B  
 800 E. 8401 Fwy., CO, Crestview  
 Town of Breckenridge, Summit County, Colorado



**EQUINOX**  
 ARCHITECTURE LLC  
 P.O. Box 8217, Breckenridge, CO 80424  
 970.453.3619 (phone & fax)  
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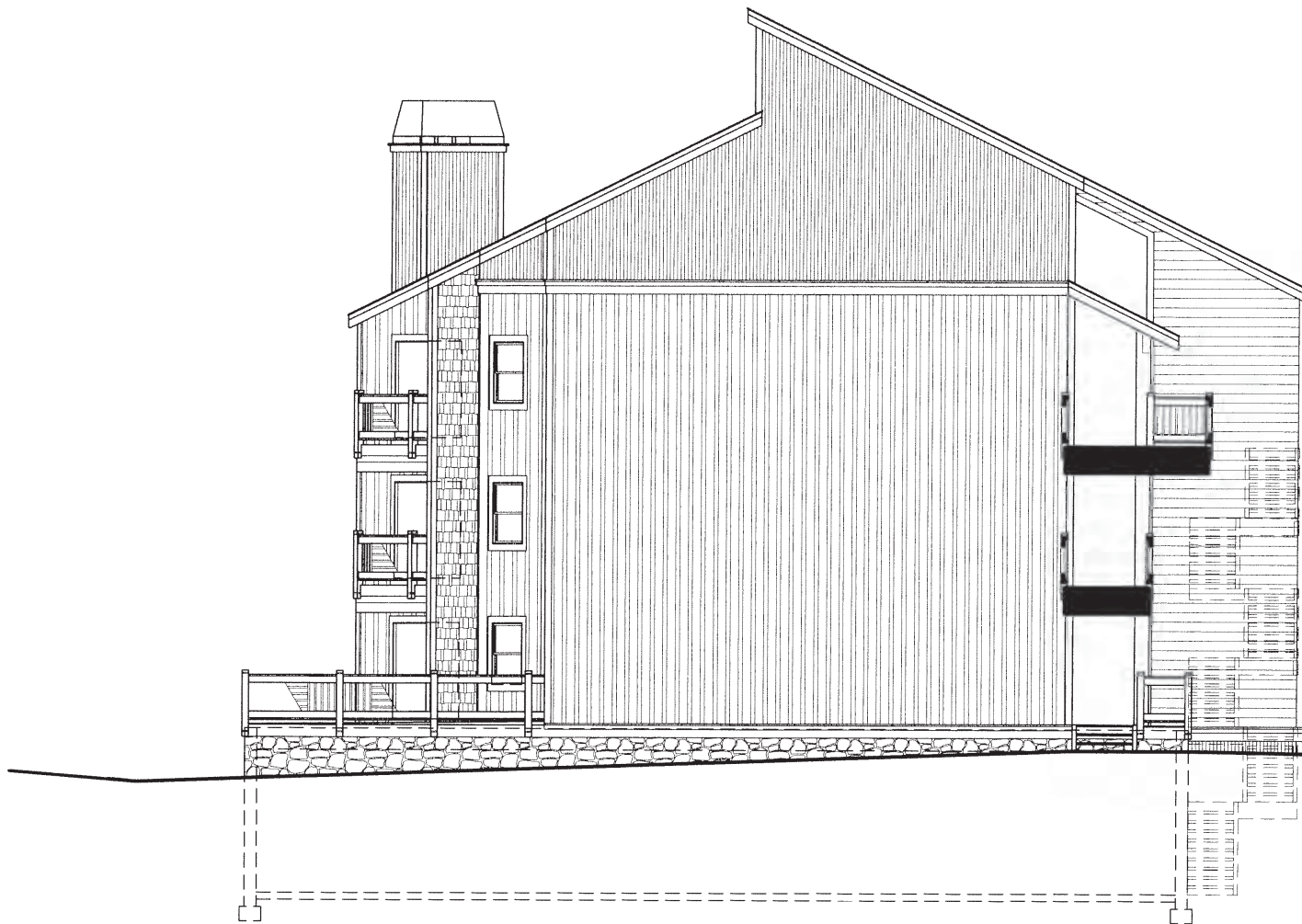
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LOFT LEVEL (1)= 134'-9 3/4"  
U.S.G.S. - 9,836.54

LEVEL THREE (3)= 125'-8"  
U.S.G.S. - 9,827.42

LEVEL TWO (3)= 115'-10"  
U.S.G.S. - 9,817.58

LEVEL ONE (3)= 106'-0"  
U.S.G.S. - 9,807.75

GARAGE=94'-1 1/4"  
U.S.G.S. - 9,796.67

**BUILDING B - PROPOSED WEST ELEVATION**

1/4"=1'-0"

Tyra Summit Condominiums  
Exterior Remodel  
Buildings A & B  
800 E. 84th, Four O'Clock Plaza  
Town of Breckenridge, Summit County, Colorado



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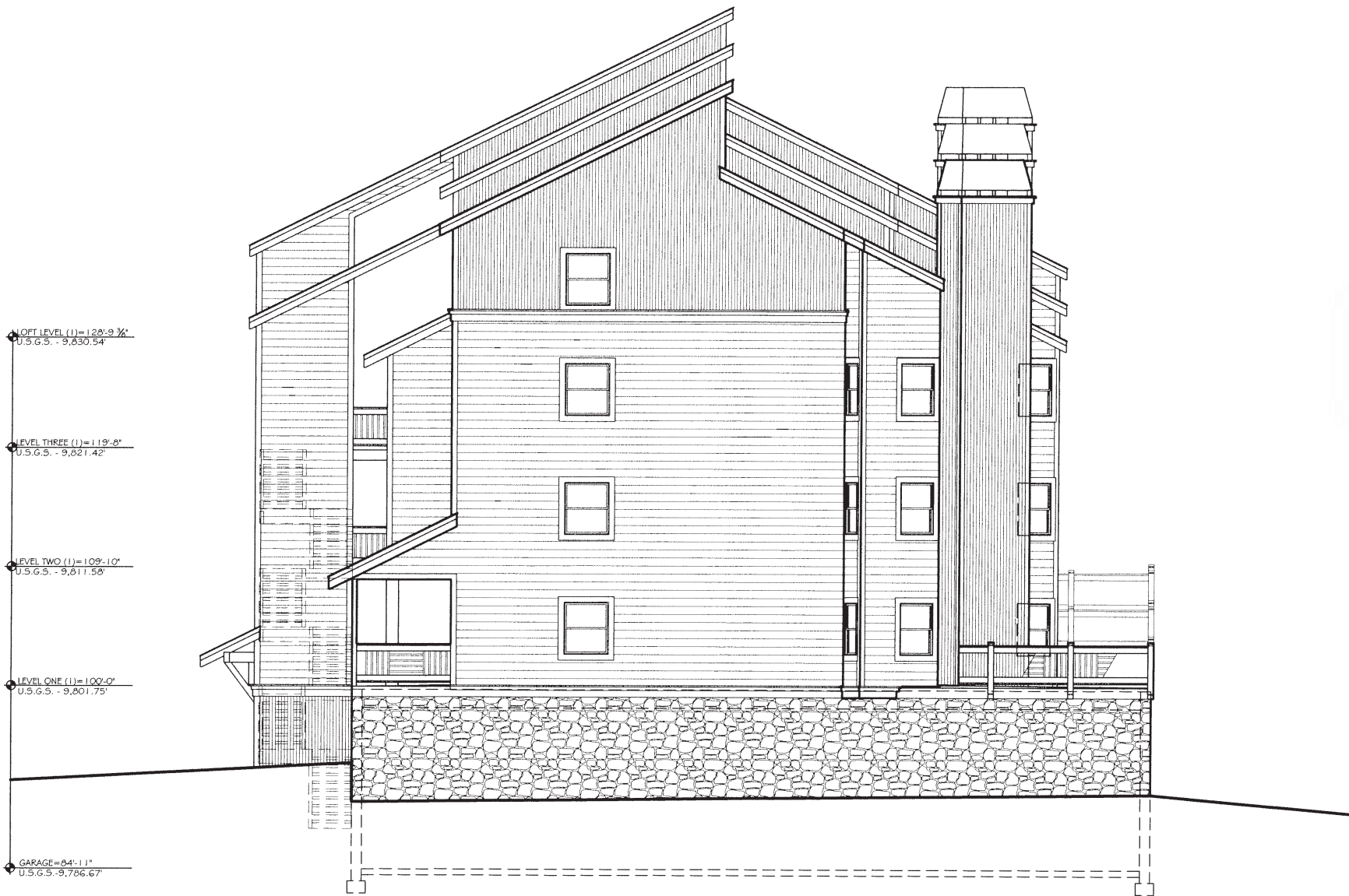
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**BUILDING B - PROPOSED EAST ELEVATION**

1/4"=1'-0"

Tyra Summit Condominiums  
 Exterior Remodel  
 Buildings A & B  
 800 E 840 Four O'Clock Road  
 Town of Breckenridge, Summit County, Colorado



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# M E M O

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

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The Planning Commission last reviewed modifications to the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” on March 2, 2010. At that worksession, we reviewed the overall standards for the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” and Chapters 4.0 and 5.2 of the adopted “Handbook of Design Standards for the Historic and Conservation Districts”. The Commission was supportive of associating chapters 4.0 and 5.2 of the adopted historic handbook with the proposed transition areas handbook.

This review presents the ‘semi-final’ introduction and overall standards sections of the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District” based on input from the Commission and Staff. In addition to minor corrections and changes suggested by the Commission, this version shows some photos and illustrations as visual aids to the design standards. Please see the attached draft booklet. Staff notes that the Special Areas Maps, shown in their original form, will be updated as review of the Transition Areas progresses to completion.

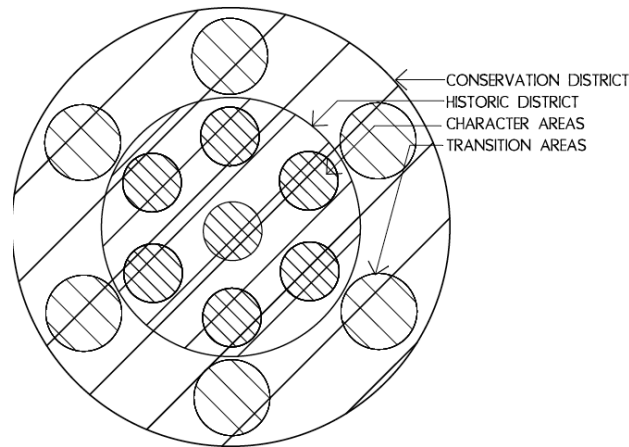
Addressing concerns from the Commission, Staff has made the following additions and changes to the General Standards of the proposed “Handbook of Design Standards for the Transition Areas of the Conservation District”:

1. Chapters 4.0 and 5.2 of the adopted “Handbook of Design Standards for the Historic and Conservation Districts” are referred to in the handbook on page 7.
2. 13.5 UPA has been identified as the maximum above ground density in the Transition Areas (with the exception of the Briar Rose Transition Area). (See page 11 in the handbook.)
3. The fact that some larger out buildings still exist in Town is identified in Policy description on page 20 of the handbook.
4. The ‘history’ of the Historic District to Conservation District includes its slight expansion in the narrative.
5. Lap siding with an exposure of 4-1/2 inches, vertical siding and stone foundations has been identified under Policy 266 on page 14.
6. Asphalt has been removed from a discouraged material for driveways on Policy 268 on page 15.
7. Reference to “Realtor” has been replaced with “real estate agent” on page 8.

In addition, we are presenting the draft of the section on the Briar Rose Transition Area. Staff notes that the Briar Rose Transition Area is unique as there is a separate above ground UPA density limit than the rest of the Transition areas. The much larger lot sizes in the Briar Rose suggest that we treat this transition area a little different in our approach. This has been noted in the handbook. A detailed description of the proposed Briar Rose Transition Area follows below.

Lastly, the Commission asked for simplified definitions of the Conservation District, Historic District and Transition Areas. The descriptions below summarize the descriptions found in the Town Code, the adopted “Handbook of Design Standards for the Historic and Conservation Districts” and, the proposed

“Handbook of Design Standards for the Transition Areas of the Conservation District”. Working from the outside boundary inwards we have:



The Conservation District is an area surrounding and encompassing the Historic District and Transition Areas which has been determined by the community to contain resources of value to the community, together with any adjacent area that may have substantial impact such that design review of new development is deemed necessary. The outer boundary of the Conservation District defines the outer edges of the Transition Areas.

Transition Areas are areas within the Conservation District that surround the Historic District and serve as buffers from the impacts of development in newer areas of the community to the Historic District. Development in the Transition Areas visually contributes to the traditional character of the core of the community.

The Historic District is an area within the Conservation District and within the Transition Areas that contains the greatest concentration of historic structures / properties and most clearly conveys the sense of character of the town during its early phases of development. Within the Historic District, there are individual Character Areas that have specific design standards addressing the early phases of development unique to that part of the district.

### **Commissioner Comments from the March 2nd Worksession**

#### **Commissioner Questions/Comments:**

- Ms. Girvin:* Did you look at the Sanborn maps to see if secondary structures are smaller or larger than the primary structure? (Mr. Mosher: Yes, there are instances where the secondary buildings were of primary use, like dipping, fabricating pipes for hydro mining, etc. The Sanborn Maps are not an official correlative document and is not binding in this case.) (Mr. Neubecker: We are addressing the Transition Standards. We don't need an exact replica of the historic Town; we just want to make sure the character is correct. We can write these standards to create the type of development that we want to encourage.)
- Mr. Schroder:* Can we make sure that the language in these documents is clear about references to the Sanborn maps in relation to primary and secondary structures? (Mr. Neubecker: The Sanborn maps are not a regulating document.) I think a simple diagram defining districts would be really helpful and useful.
- Mr. Bertaux:* Can we have a simplified definition of “The Conservation District is...” and “a Transition District is...”? (Mr. Mosher: Yes. We will add that. A simple “bubble” diagram may also be helpful.) Will Mr. Noré Winter be involved with this review? (Mr. Mosher: No, staff's experience with his standards is pretty detailed. We have nearly 20 years of using the standards in Town.) When you start with the standards, can you describe the difference between a policy and a standard? (Mr. Mosher: It is defined in the adopted handbook, and we can repeat this in the proposed Transition handbook too.) In the draft, on the

“orientation to the grid”, there is a large “P” but is all of that the policy, or is some of that the design standard? (Mr. Mosher: All of that is policy. Every design standard is either relative or absolute, with the “P” in a circle for the absolute policies.) On page 35 of the packet, what are the negative and positive points discussed? Do we want those multipliers stated here? (Mr. Mosher: All the non-priority standards fall back to Policy 5/R, Architectural Compatibility in the Development Code. We can define the name better, but not restate the policy in the handbook.) I would add the words “up to” 13.5 UPA on page 39. We do not want people to go above 13.5 UPA. On page 40, the 4th bullet under 269, can you please explain the current wording? (Mr. Mosher: There is a graphic that goes along with this as well that will help explain it. Staff will add graphics at the next review.) I would prefer that the documents are bound together, to make it easier for applicants.

Ms. Katz: Agree with Staff; we don’t want to repeat Policy 5/R in the handbook. It invites errors if there are any code changes down the road.

Mr. Pringle: There are several examples in Town of large barns as secondary structures. We need to acknowledge that there are some larger existing secondary structures in Town, but typically they were subordinate, which is the Town’s preference. We want to encourage that secondary structures are smaller. There is an area labeled a “transition area” in Town (Briar Rose in the Weissshorn) that has nothing to do with the historic district, other than the fact it is adjacent to it. Are we going to separate this from this document? We need to explain this better, that there are areas where these standards may not apply, such as the Briar Rose. (Mr. Mosher: We will clarify where these standards will apply. There is a hierarchy to the guidelines. We will address the Briar Rose area at a future meeting.) (Mr. Bertaux: The River Park area may be another area that this doesn’t apply.) (Mr. Grosshuesch: The Briar may be the only area where some standards don’t apply. The River Park will apply. When we get to the Briar Rose transition Area we can discuss it more, but we need to keep the basic standards in all other areas so that there are standards that will apply if the properties are developed.) Have we taken the 13.5 UPA above ground and gone site specific to see if that was the correct established density? Will this be applied to all the transition areas? (Mr. Mosher: Yes. 9 UPA is for the existing the standards, 1.5 times larger is 13.5 UPA for the transition areas.) On page 34 of the packet, should the overview point out that the transition area has been expanded? (Mr. Mosher: Yes. Staff can add further detail of the history.) Priority Policy 272 or Priority 90 in the adopted handbook; would this be a good place to describe the “Breckenridge” 4-4.5” reveal horizontal siding? (Mr. Neubecker: This isn’t included now. We could say that typically buildings had specific siding types, and that applicants should approximate those sizes. The adopted handbook, Design Standard 90, would be the best place to add this information.) This would apply to the historic standards, and in some transition areas based on the character area. (Mr. Bertaux: I agree with Mr. Pringle.) (Mr. Mosher: It could also be described in the individual character areas.)

Mr. Lamb: There was also vertical siding that was used. You could word it “where siding is horizontal, it is encouraged to be...a certain size.”

Mr. Allen: There are a few missing parts on the map. The area across from Wellington Square on the north end, the elementary school, and other places that aren’t included. (Mr. Mosher: This is the adopted map prior to any review of the Transition Areas and has only been shared with this discussion tonight for reference only. We will have a discussion just about map boundaries at a future meeting.) On page 36 of the packet under the “realtors” section, the Realtor should tell their clients to review the standards rather than know the standards. It should also say “real estate agent” instead since “Realtor”, which is a trademark name. The third bullet point on 268 regarding driveways, the word “asphalt” should come out. (Mr. Mosher: This will be done.) When you talk about flexibility in the document, should we be specific about what “flexibility” means or provide examples? (Mr. Neubecker: In the introduction to the transition areas we could describe it.) (Mr. Grosshuesch: We have tried in the past to determine how to define this flexibility, but with historic preservation, each site presents a unique situation.) (Mr. Mosher: We can also use precedent, which is a legal part of our Development Code to add flexibility.) (Ms. Girvin: On page 42, the flexibility sentence is awkwardly written.)

### Staff Comments

#### **Specific discussion of portions of the proposed Handbook of Design Standards for the Transition Areas of the Conservation District:**

**Priority Policy 256:** This policy addresses design standards that would be applicable to alterations to existing historic structures that lie in Transition Areas (outside the Historic District). This policy states:

When considering alterations to individual historic buildings in the Transition Areas, 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 and those in the handbooks of the adjacent Historic Character Areas shall apply.” (Highlight added to Staff addition.)

Staff concern is that, in addition to the general standards of the adopted Handbook of Design Standards for the Historic and Conservation Districts, the individual neighboring character area(s) should also be used to establish more detailed guidelines for any alterations to these structures. Does the Commission concur?

**Building Height:** Staff has discussed how to establish a “gradual, increasing” scale to buildings as referred to in the Transition Areas. On page 11 of the proposed Handbook of Design Standards for the Transition Areas of the Conservation District, we have added graphics showing examples of structures with building heights starting at the Historic District to Transition Area to outside the Historic District.

Staff felt that the height of structures in the Transition Areas could be established at 26-feet (measured to the mean). (See Policy 258 in the handbook on page 10.) Does the Commission concur?

**The Briar Rose Transition Area:** The Briar Rose transition Area is unique amongst the Transition Areas in that the lots are larger, the existing structures are larger and don’t convey historic character or development pattern. For this reason we are recommending a different approach to suggested Design Guidelines in this Transition Area. We are suggesting the standards only relate to the western exposures of the lots and buildings. Here minimal issues are addressed such as gabled roof forms, module widths, solid to void ratios and building setbacks. The proposed changes are:

#### **Briar Rose Transition Area:**

*The Briar Rose Transition Area lies along the west side of Briar Rose Lane, north of Wellington Road. The west facing elevations of the homes here create the northeast buffer to the North End Residential Character area of the Historic District. There is a larger distance between the structures in the Historic District to the structures in this transition area than seen in other character areas. This Transition Area contains larger lots (roughly 1/2 acres) that slope down towards the west. Some of the properties have large evergreen trees and fenced yards. The scale and massing of the western elevations of the structures here are the primary concern.*

#### **Mass and Scale**

*Policy:*

*The building mass and architectural character of structures that face the Historic District are a primary concern in the Briar Rose Transition Area.*

*Design Standard 317 The west facing masses of new development should be smaller and reflect more of the architectural character of the Historic District.*

- *Create subordinate masses off the primary building mass that step down in scale, reflect the character of the Town grid, use a gable roof form, and exhibit a generally simple character.*
- *Greater flexibility for the solid to void ratio is appropriate in this character area since it is farther away from the Historic District. \**

*Design Standard 317a The rear yard setback of new structures should align with the rear yard setbacks of the existing neighboring structures.*

- *This character area exhibits large back yards with on-grade decks set away from the Klack drainage.*

**Solid to Void Ratio:** In the Briar Rose Transition Area design standards and in the overall standards of the proposed Handbook of Design Standards for the Transition Areas of the Conservation District, “greater flexibility” for the solid to void ratio is suggested in the Transition Areas. Per the proposed Handbook of Design Standards for the Transition Areas of the Conservation District:

*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. Commercial 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 solid-to-void ratio resembling that seen historically in similar neighborhoods.*

- *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 façades.*
- *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.*

Staff asks the Commission: Should a numerical value be established for the solid to void ratio in order to establish a limit to this “flexibility” and to measure any “greater flexibility” for the Briar Rose Transition Area? We note that, in order to establish a standard based on historic structures, a survey of surviving historic structures would be preformed and presented at a future meeting with the Commission.

**Briar Rose Transition Area History/Summary:** In 2002, Staff addressed the circumstances that had created a discrepancy for density associated with the properties on the west side of Briar Rose Lane in the Weisshorn Subdivision. With the adoption of the Conservation District, a specific density (1,600 square feet per unit) was assigned in this neighborhood where the density was previously unlimited. This combined with established 2 UPA number defined in the Land Use Guidelines at the time would have resulted in properties with very small allowed densities.

- The Weisshorn Subdivision was recorded in 1964. Most homes in this area were built in the 1970’s and 1980’s.
- The Land Use District (LUD) Map was adopted by the Town in 1987 with the Weisshorn having 2 UPA (unlimited density).
- The Handbook of Design Standards for the Historic and Conservation Districts (with overlay maps that included the west side of Briar Rose) was adopted in February 1992 with a unit of density as 1,600 square feet.



The above ground density for the Briar Rose Transition Area is now established by the Land Use District and Guidelines for District 12. This area has a limitation of 5 UPA now. These changes were adopted in 2002.

<b><u>LAND USE DISTRICT 12</u></b>	
<b>ACCEPTABLE LAND USES AND INTENSITIES</b>	
Land Use Type:	Residential
Intensity of Use:	2 Units Per Acre; except land located in the Briar Rose Transition Area (west of Briar Rose Lane) may be built to a recommended aboveground density of 5.0 Units Per Acre.
Structural Type:	Single Family

As an example, the chart below shows the resulting maximum above ground density (areas are based on 2002 County records).

Lot	Block	Sub	Lot Acre	Lot SF	SF of Existing House Above Ground +/-	Allowed Area @ 5.0 UPA (1,600 SF)
2	1	Weisshorn	0.69	30,056	1,127	5,520
3	1	Weisshorn	0.69	30,056	2,120	5,520
4	1	Weisshorn	0.66	28,750	0	5,280
5	1	Weisshorn	0.69	30,144	4,582	5,536
6	1	Weisshorn	0.54	23,522	2,298	4,320
7	1	Weisshorn	0.57	25,004	4,380	4,592
8	1	Weisshorn	0.57	24,655	3,840	4,528
9	1	Weisshorn	0.60	26,136	2,308	4,800

Staff has reviewed the allowed maximum densities against the recently adopted Neighborhood Preservation Policy and has found that these numbers comply and allow the flexibility of added mass without exceeding the maximums of Neighborhood Preservation Policy.

**Staff Summary**

We have XX questions for discussion for this review:

1. Is the Commission supportive of having the individual Historic Character Area Standards apply when modifying any historic structure in the Transition Areas?
2. Is the Commission supportive of setting the maximum height of residential structures in the Transition Areas to 26-feet?
3. Should a numerical value be established for the solid to void ratio in order to establish a limit to this “flexibility” and to measure any “greater flexibility” for the Briar Rose Transition Area?

We also welcome any discussion on the attached General Standards for the Transition Areas and on the proposed guidelines for the Briar Rose Transition Area.



# HANDBOOK OF DESIGN STANDARDS



# FOR THE TRANSITION AREAS OF THE CONSERVATION DISTRICT

# Handbook of Design Standards for the Transition Areas of the Conservation District Breckenridge, Colorado

April 2010  
Town of Breckenridge  
and  
Winter & Company  
Boulder, Colorado

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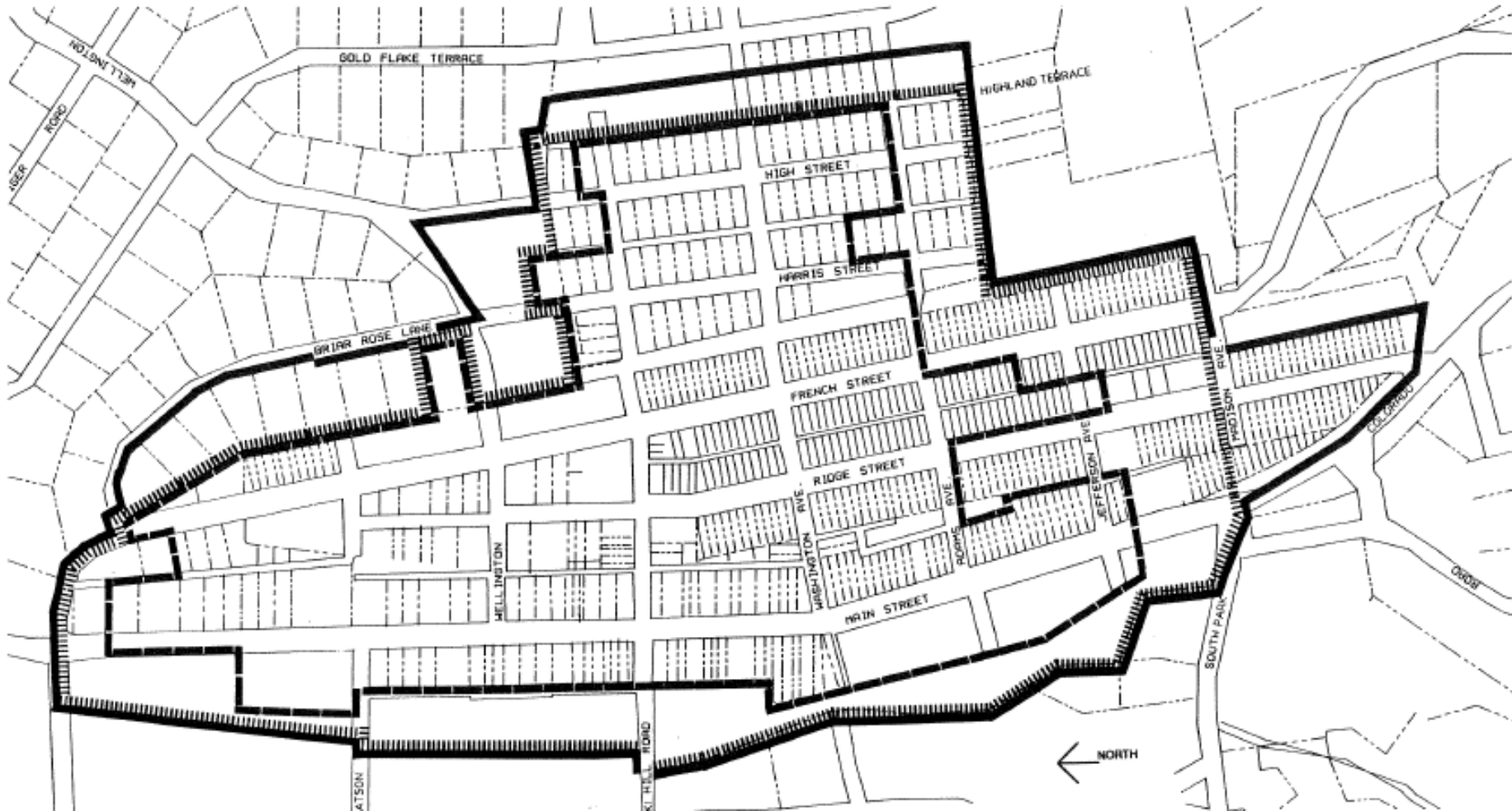
NOTE: A **P** symbol adjacent to a design standard indicates that it is a "Priority" that must be met in order to be in "substantial compliance" with the guidelines, under policy 5/A, Architectural Compatibility, of the Town's Development Code.

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Note that the General Design Standards and Sections 4.0 and 5.2 of the Handbook of Design Standards for the Historic and Conservation Districts also apply to all properties in the Transition Areas of the Conservation District.

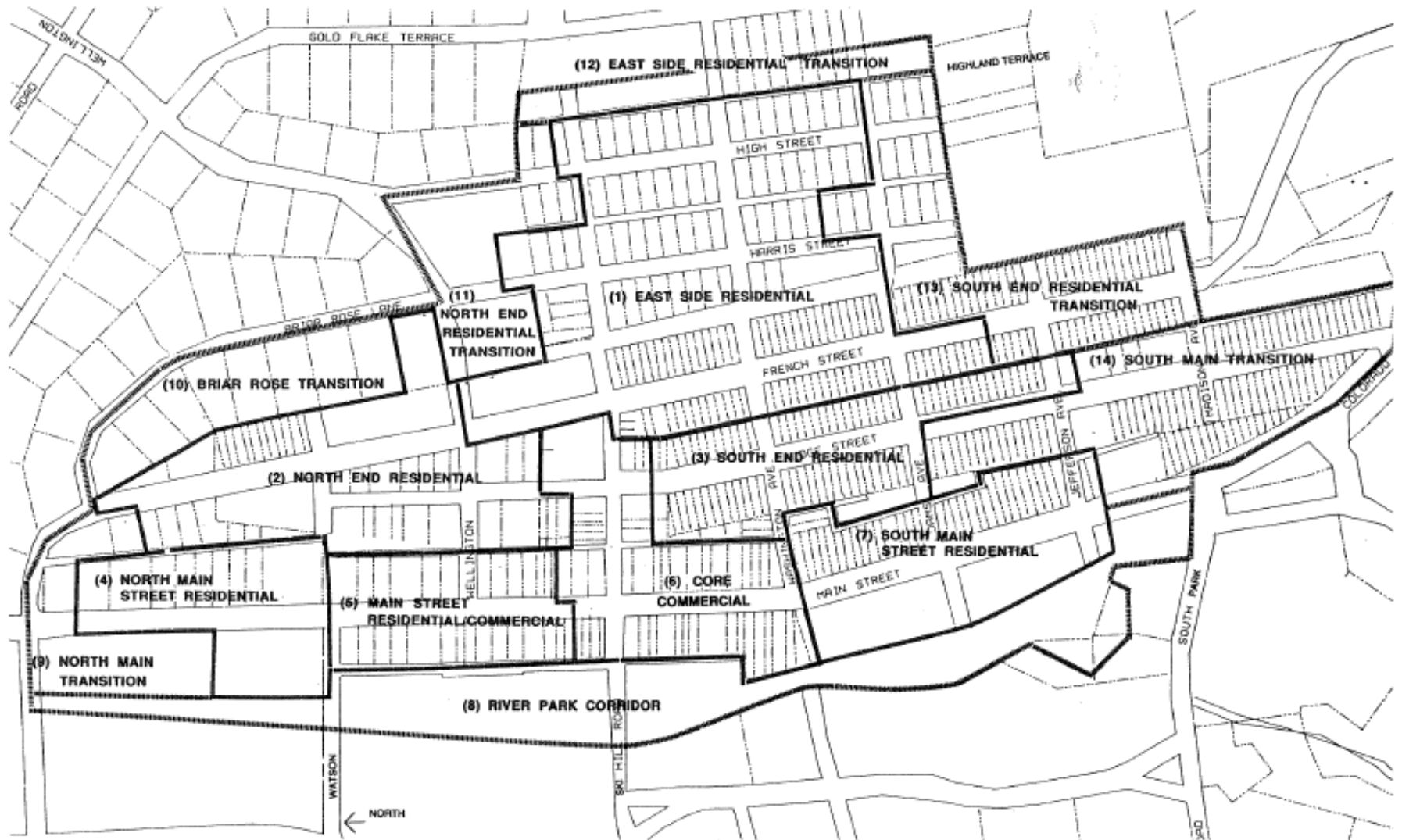
# SPECIAL AREAS MAP



## LEGEND

- Conservation District Boundary
- - - Local Historic District Boundary
- ..... National Historic District Boundary

# CHARACTER AREAS MAP



—— Character Area Boundary  
- - - Local Historic District Boundary

## 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. The boundary of the Conservation District had changed and expanded slightly as the areas were defined. For example, other areas, such as portions of the River Park Corridor were defined as Transition Areas at that time as well. Traditionally, these areas have been 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 boundary and the Transition Areas boundary lines are shared with the exception of portions along the south edges. There are several remaining historic homes within the Transition Areas boundary. While it is not appropriate to consider the area a 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.



Portions of the Transition Areas lie to the east and west of the historic district in Breckenridge. The Historic District lies in the foreground and a portion of the Transition Areas also lie beyond.





One purpose of the Transition Areas is to protect the edges of the Historic District from building that would cause an abrupt change in character or have a negative impact upon the street scene, as viewed from within the Historic District.

#### Goals for the Transition Areas

The Town holds two design goals for the Transition Areas:

Goal 1: To buffer the edges of the Historic District

One purpose of the Transition Areas 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 Transition Areas 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 Transition Areas. 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 Transition Areas 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 newer 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, such as along the River Park Corridor.

#### Scope of the design standards for the Transition Areas

The design standards for the Transition Areas 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.

Chapters 4.0 and 5.2 of the “Handbook of Design Standards for the Historic and Conservation Districts” and those in the Development Code and other relevant policy documents also apply to the Transition Areas. 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 circle adjacent to the guideline statement:

Ⓟ

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



In some cases, 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, such as along the River Park Corridor.

policies will result in negative points being assigned to the application pursuant to Policy 5 (Relative), Architectural Compatibility 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 all of the Transition Areas.

#### 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 Transition Areas, the design standards should be consulted to gain a general sense of the character of design that will be appropriate. In this regard, architects, designers, and real estate agents 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 Transition Areas. Property owners are encouraged to engage a professional architect at the outset to develop designs for their properties for these projects. (In most cases, a Colorado Licensed Architect may be required by code. See the Department of Community Development for details.) 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 as is possible 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

These standards apply to all projects throughout the Transition Areas with the exception of the Briar Rose Transition Area. See the chapter for the Briar Rose transition Area for the specific Design Guidelines for that Character Area:

#### Impact on Historic Structures within the Transition Areas:

##### 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 Standards:

**P** 256 When considering alterations to individual historic buildings in the Transition Areas, 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 and those in the handbooks of the adjacent Historic Character Areas, shall apply.

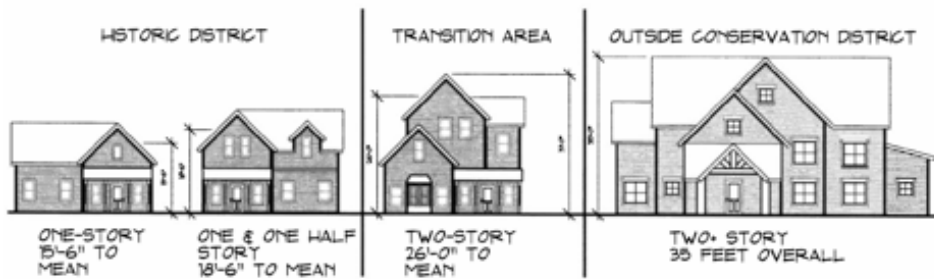
- Also note that, when planning a new building that is adjacent to historic properties, special consideration should be given to minimizing negative impacts on historic structures. Such negative impacts are usually structural, and may include undermining foundations by over-excavating or causing drainage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



When considering alterations to individual historic buildings in the Transition Areas, the design standards for the rehabilitation of historic properties, found in the Town of Breckenridge Handbook of Design Standards, shall apply.



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.



Buildings should not be dramatically larger than those found in the Historic District. This illustration shows examples of sample heights and masses.

**P** 257. New buildings should step down in scale along the edges of properties that lie adjacent to smaller historic properties.

- In general, buildings of one and two stories that are similar in height to those seen historically are more appropriate.
- Also locate one-story wings along the edges of properties that abut historic buildings to reduce the perceived sense of building scale.

Impact on edges of the Historic District

**Policy:**

The scale of new buildings that are adjacent to individual historic structures is a concern of special interest. The impact of any new buildings upon the edges of the Historic District is also a concern.

**P** Design Standard:  
258. Where new buildings in the Transition Areas 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.
- A maximum height of 26 feet is allowed.
- 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.

### Mass & Scale

#### Policy:

In their overall dimensions, new buildings in the Transition Areas 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.

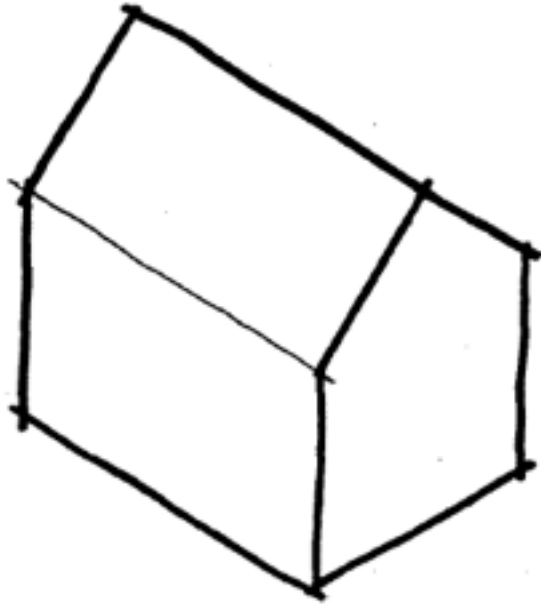
#### Design Standards:

Ⓟ 259. Buildings should convey a sense of pedestrian scale.

- A building that is composed of a set of smaller masses is preferred, in order to reduce the overall perceived mass of the structure.
- Generally, a building scale no greater than 1.5 times the average scale identified in the adjacent Historic Character Areas is appropriate. In cases where properties abut more than one Character Area, the module size shall be determined by the Town. The Briar Rose Transition Area is exempt from this policy.

Ⓟ 260. Overall above ground densities should not be dramatically larger than those suggested in the Historic District.

- In general, structures should appear no more than 50% larger than those found in the Historic District.
- 13.5 UPA (50% more than 9 UPA) represents the maximum allowed above ground density in Transition Areas. The Briar Rose Transition Area is exempt from this policy.



In residential areas, a gable roof should be the primary roof form.

## Roof and Building Forms

### Roof and Building Forms

#### Policy:

A greater variety in the interpretation of building forms is appropriate in the Transition Areas as compared with the Historic District.

#### Design Standards:



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, Dutch-hip, 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.
- Mechanical equipment should be hidden or incorporated into roofs.



262. A simple vernacular style mass should be the primary building form of a new building.

- Buildings that appear to be an assemblage of a set of rectangular building forms are particularly encouraged.

Pedestrian-orientation

Policy:

All development within the Transition Areas should enhance the streetscape as a pedestrian-oriented experience.

Design Standards:

**P** 263. Orient the primary entrance toward the street or other major pedestrian way.

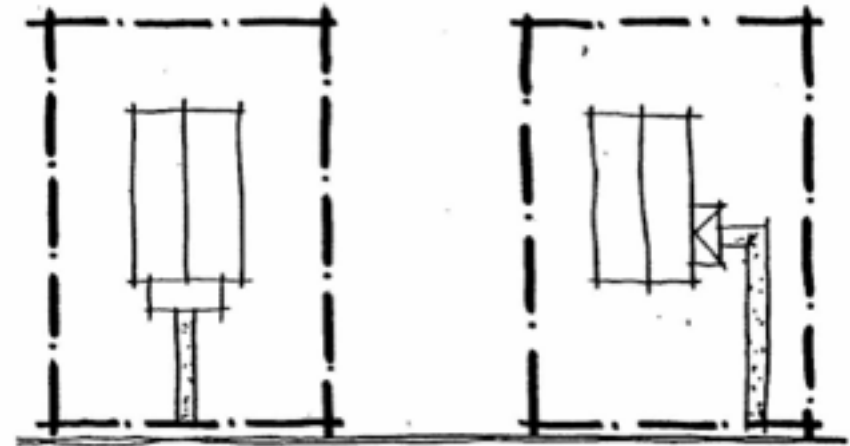
- This will provide visual interest to pedestrians and help establish a sense of pedestrian scale.

264. Clearly identify primary entrances.

- In residential contexts, provide porches or stoops with projecting roofs to identify entrances.
- Decks are inappropriate at primary entrances.

265. A building's mass should step down in scale as it approaches the street or other major pedestrian ways.

- One to one-and-a-half story elements facing the street are encouraged in residential contexts.
- In commercial and mixed-use contexts, two-story elements are encouraged along the edges of major pedestrian ways.



Preferred

Not recommended

Orient the primary entrance toward the street or other major pedestrian way.



1 STORY

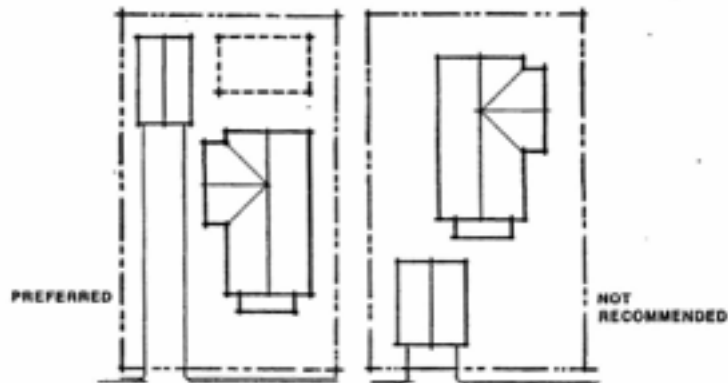
1 1/2 STORY

2 STORY





These features help to establish a sense of human scale in this new construction design.



Minimize the visual impacts of garages. Locating a detached garage to the side or rear of a primary structure is preferred.

Ⓟ 266. Incorporate features that help to establish a sense of human scale in new construction.

- Use materials and building components in sizes that are familiar. Some typical building materials, when used in sizes seen traditionally, help to establish a sense of human scale. Examples are wood siding (in a lap dimension of no greater than 4-1/2 inches), vertical siding and natural stone foundations no taller than 12 inches.
- Windows and doors in sizes typical of historic buildings in the Historic District also help establish a sense of human scale.
- Step down buildings edges with smaller forms, including shed additions and porches.

#### Automobiles and Parking

##### Policy:

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

##### Design Standards:

267. Minimize the visual impacts of garages.

- If the property has alley access, the alley would be used to access the garage.
- Avoid locating garages such that they dominate the primary façade.
- 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.
- See also individual guidelines for each Transition Area in the Conservation District.
- Consider using detached garages to minimize the overall mass of buildings.

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. Textured and colored concrete, paving strips, or interlocking pavers are preferred.
- Use landscape elements to screen parking areas where feasible.

Orientation to the grid

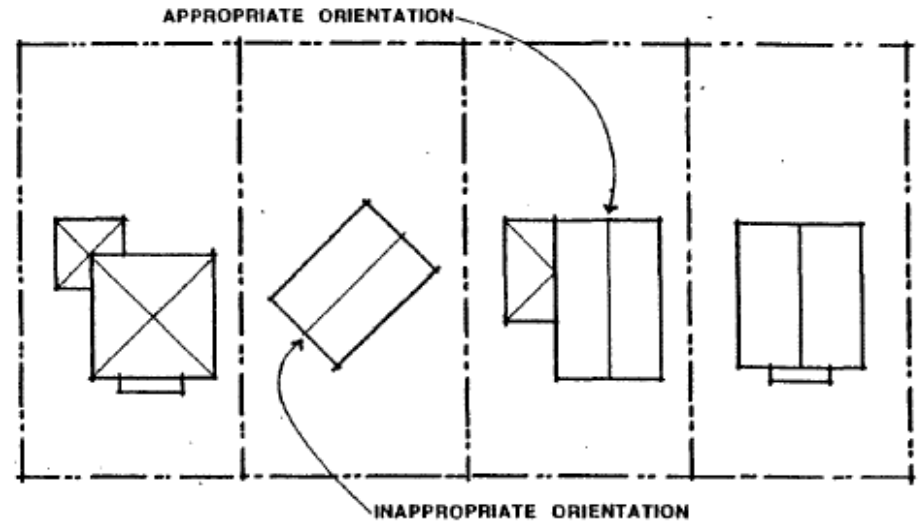
Policy:

In most areas of the Transition Areas, the primary axis of a building should be oriented in line with the established town grid, specifically, in an east-west direction. Flexibility in building orientation may be considered, however, on larger, outlying parcels, where an internal focus of the site organization may be considered.

Design Standard:

269. Orient primary structures such that they will align with the established town grid.

- This is especially important east of Main Street.



Orient primary structures so they will align with the established town grid.

### Building Setbacks

#### Design Standard:

270. Use building setbacks that are similar to those in comparable neighborhoods.

- In residential neighborhoods, buildings should be set back, with front yards that are similar to those seen on other historic building sites in the area.
- In commercial neighborhoods, storefronts should align at the sidewalk edge, although some variety in setback within a project is appropriate.
- In the River Park Corridor, a variety of set-backs is encouraged, with the objective being that the edges of sites here should be pedestrian-friendly.

### Architectural Style

#### Policy:

Buildings should "relate" in character to those seen traditionally in town, but new buildings should not be identical, stylistically, to those in the Historic District. Greater flexibility in the expression of building styles is appropriate on outlying parcels.

#### Design Standards:

271. Contemporary interpretations of structures traditionally found in Breckenridge are encouraged in the Transition Areas.

- Buildings should be simple in character and consistent in their design.
- Historic imitations are discouraged.

Ⓟ 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 façade 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 such as within the River Park Corridor.
- On sloped sites, the front façade shall appear as a full story, starting from near the grade.

#### Building materials

Ⓟ Design Standard:  
272a. Use materials that appear to be the similar to those seen historically.

- Greater variety in materials may be considered in the Transition Areas than in the Historic District.
- Non-traditional materials may be used in limited amounts. For example, stucco may be used for building foundations, and painted metal may be considered for windows and building trim. These materials should be similar in appearance to materials used traditionally. Panelized materials, such as textured plywood, are inappropriate for this reason.

## Building Widths

### Policy:

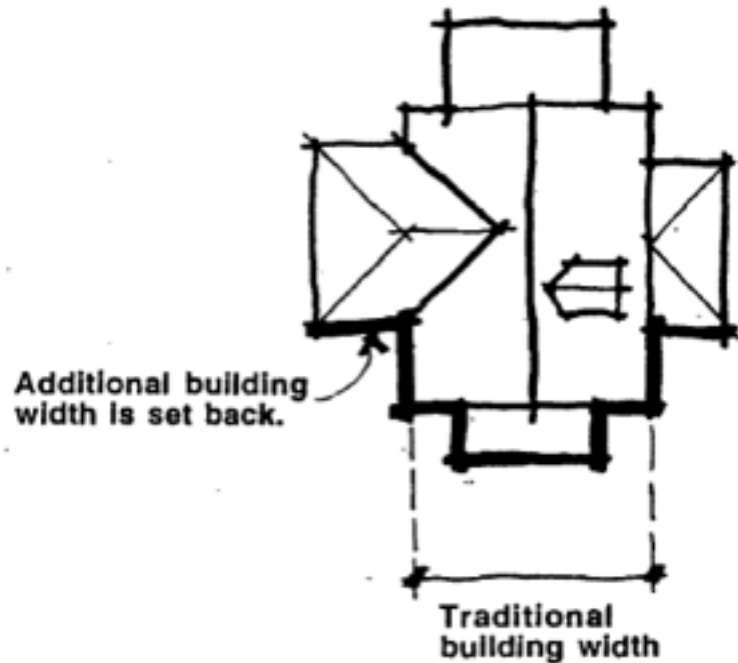
In general, buildings may be wider than those seen in the Historic District; however, the primary façade that faces the street should appear similar in width to those seen traditionally. All façades should be composed of a series of smaller wall planes that repeat proportions of façades found on historic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

### Façade

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

### Design Standard:

- P** 273. Buildings should include components that appear similar in width to buildings seen historically.
- These components may be combined to create overall building widths that exceed those seen historically in similar neighborhoods of Breckenridge, as seen in the adjacent sketch.
  - In residential neighborhoods, the primary façade should appear to be similar in width to those seen traditionally on historic houses in town.
  - In commercial neighborhoods, the primary façade should appear to be similar in width to storefronts seen traditionally in town.
  - In the River Park Corridor Transition Area, buildings should include widths that are similar to both residential and commercial buildings that were seen historically in the core of town.



Buildings should include components that appear similar in width to buildings seen traditionally. In this design, the primary façade is similar to widths of buildings seen traditionally. Other portions are set back to reduce the perceived width of the structure.

### 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. Commercial 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 solid-to-void ratio resembling that seen historically in similar neighborhoods.

- 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 façades.
- 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.



Use secondary structures in new development whenever feasible.

### Outbuildings

#### Policy:

Though a few larger outbuildings still exist, most are smaller outbuildings that were seen traditionally on many lots in the Historic District, 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 entire 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 on 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.

### P

### Utilities

#### Design Standard:

276. Screen mechanical equipment, utility boxes and service areas.

- Use native plant materials or create screen walls with wood.
- Consider locating utilities in "secondary structures."
- Locate mechanical equipment in secondary structures or in roof forms.

## MEMORANDUM

**TO:** Planning Commission

**FROM:** Mark Truckey, Assistant Director of Community Development

**DATE:** April 1, 2010 for April 6 Meeting

**SUBJECT:** Sustainability Task Force and Sustainability Action Plan

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Over the last two years staff has been involved in a series of projects related to furthering the Town of Breckenridge Vision Plan. At the direction of Town Council, staff has been asked to evaluate what the Town will look like at “Buildout” and beyond. The different “phases” of these projects is described below.

The first phase was a “Capacity Analysis” that was completed in 2007 and 2008. The Capacity Analysis looked at the Town’s physical ability to accommodate projected buildout. The Analysis examined infrastructure needs such as roads, sewer, and water, but also examined social/community needs such as housing, child care, and schools. The analysis identified projected conditions and our ability to accommodate the demands created by this growth when buildout is reached.

The second phase was a “2030” report/analysis. The intent of the 2030 project was to project what Summit County would look like in the year 2030, given that no major changes occurred to the way issues such as housing, the environment, etc. were being addressed by local government. This project was undertaken by Town planning staff in conjunction with other planners from Summit County and from other County municipalities. The results of the 2030 report painted a somewhat bleak outlook for the County as a whole, at least in some topic areas. For example, the 2030 report projects that there will be more traffic and congestion, increased demands on and scarcity of available developable land, a significant lack of affordable housing for locals, and potential changes to our local climate (e.g., shortening of ski season because of rising temperatures). Staff provided an overview of the 2030 report to the Planning Commission in 2008.

The third phase was the establishment of a Sustainability Task Force. The Sustainability Task Force, which is a subcommittee of the Town Council that includes three Council members, has been meeting for the last year. The Task Force’s mission has been to evaluate the projected 2030 report conditions against the Town’s Vision Plan and to determine if there are corrective actions that can be taken to avoid an undesired 2030 forecast. Once the Task Force prepares its recommendations on a particular issue, they are forwarded to the entire Town Council for review. The Sustainability Task Force has recently completed its recommendations and a final report was presented to the Town Council on March 23. Attached is a table that summarizes the Sustainability recommendations.

The next phase of this project is taking the Sustainability recommendations to the community to get public feedback. A series of public meetings/open houses/workshops will be held this summer to educate the public on the project and to seek their input. In addition to the public meetings, staff also intends to put a heavier emphasis on the use of electronic medium (e.g., interactive web page, Facebook, etc.). Meeting dates have not yet been set but we hope to start the public process in June.

After the public process is completed, a Sustainability Action Plan will be finalized for the Town. The Action Plan will contain a list of prioritized actions that will be implemented over time. A key



component of the Plan will be a series of measurements that will be monitored over time, with periodic report cards being released to the community regarding how the Town is progressing on a particular issue (e.g., energy consumption). The philosophy is that the Sustainability Action Plan will be an ongoing living document that is regularly monitored, with the goal of sustaining our community and its resources.

This memo is intended primarily as an update for the Planning Commission to have a better understanding of the work of the Sustainability Task Force and the upcoming public process for developing the Town's Sustainability Action Plan. Although many of the action steps identified in the draft Sustainability recommendations have broad policy implications beyond the land use planning realm, some of the recommendations may ultimately result in amendments to the Development Code. The following includes some examples of suggested code/land use guideline amendments included in the draft Sustainability recommendations:

- Amend Land Use Guidelines for certain areas (e.g., Airport Road) to identify service commercial/industrial as a preferred use or create relative policy encouraging.
- Consider allowances for limited small-scale commercial services at north end of Town.
- Implement Code and policy changes that make private property less vulnerable to the effects of wildfire.
- Consider incorporating a new relative policy for wildlife in the Development Code to avoid development impacts on habitat

As noted above, this memo is intended as an update for the Planning Commission. Staff will be glad to answer questions regarding the Sustainability project and take any comments the Commission has.

**Town of Breckenridge Sustainable Action Plan  
Recommendations of the Town Council 3/23/10**

Topic	2030 Forecast/Issues	Recommendations	Issues for Public Discussion
<b>Community Character:</b> <i>The Town of Breckenridge is a cohesive and diverse community...</i> Where residents and visitors experience an historic mountain town with characteristic charm that offers a safe, friendly and peaceful atmosphere where individuals can live, work, play and raise a family. (From Town of Breckenridge Vision Plan)			
Build-out	<ul style="list-style-type: none"> <li>The Joint Upper Blue Master Plan (JUBMP) target of reducing density in the basin by 25 percent will not be met.</li> </ul>	<ul style="list-style-type: none"> <li>Undertake minor update to JUBMP to adjust density reduction targets and strategies.</li> </ul>	<ul style="list-style-type: none"> <li>Yes but not as part of the Sustainability Action Plan: will be discussed as part of the Joint Upper Blue Master Plan amendment process.</li> </ul>
Build-out and affordable housing	<ul style="list-style-type: none"> <li>The actual Upper Blue buildout number for the basin will be ratcheted upwards another 900 units as more affordable housing units are built, thus potentially further impacting activity levels in the basin.</li> </ul>	<ul style="list-style-type: none"> <li>Transfer density at a 1:2 ratio to all new deed-restricted affordable housing units that are developed.</li> </ul>	<ul style="list-style-type: none"> <li>No, decision already made by Council.</li> </ul>
Home size	<ul style="list-style-type: none"> <li>Residential development remains the focus in 2030 and trophy homes become even more prevalent, impacting community character.</li> </ul>	<ul style="list-style-type: none"> <li>Neighborhood Preservation Policy adopted by the Town Council in October, 2009, limiting size of single family residences in subdivisions without established building envelopes.</li> </ul>	<ul style="list-style-type: none"> <li>No, decision already made by Council.</li> </ul>
Child Care	<ul style="list-style-type: none"> <li>A shortage of child care facilities is projected at buildout, unless steps are taken to develop new facilities.</li> </ul>	<ul style="list-style-type: none"> <li>Identify and pursue long term funding for childcare programs (e.g., potentially place on 2013 ballot to continue existing mill levy).</li> <li>Work with child care operators on cost reductions (i.e.: collective management).</li> <li>Monitoring: Continue to evaluate demand and need for construction of new child care center at build out.</li> <li>Monitoring: Continue to track the impacts of salary supplements (wages, retention, quality ranking, etc.) and the fiscal condition of local centers.</li> <li>Monitoring: Continue to evaluate impact and demand for Scholarship Program and adjust criteria and budget as necessary.</li> </ul>	<ul style="list-style-type: none"> <li>Should a long term funding mechanism for childcare be established?</li> <li>Feedback on listed recommendations</li> </ul>

Topic	2030 Forecast/Issues	Recommendations	Issues for Public Discussion
Historic Preservation/Heritage Tourism	<ul style="list-style-type: none"> <li>• Protection of the character of the Town’s designated historic district.</li> <li>• Promotion of our heritage and historic resources</li> </ul>	<ul style="list-style-type: none"> <li>• Protect the setting of the Historic District through preservation of existing historic structures and through design of new structures that is compatible with the historic setting.</li> <li>• Prioritize and facilitate public historic preservation projects based on historic significance and integrity, both in the Town and in backcountry areas such as the Golden Horseshoe.</li> <li>• Promote private historic preservation projects and encourage adaptive reuse of historic structures</li> <li>• Promote heritage tourism in the Town, support the efforts of the Breckenridge Heritage Alliance, and work to brand Breckenridge’s history as part of the Town’s overall marketing efforts.</li> <li>• Undertake a survey of early ski era structures, to document their significance and contribution to the Town’s history.</li> </ul>	<ul style="list-style-type: none"> <li>• Feedback on listed recommendations.</li> </ul>
Second Homes	<ul style="list-style-type: none"> <li>• Need a better understanding of how second homes affect community character, politics, economy, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Encourage second homeowners to utilize properties more frequently.</li> <li>• Engage second homeowners in community programs and encourage their charitable contributions.</li> <li>• Distinguish the needs of seniors from the needs of second homeowners.</li> <li>• Prioritize energy improvements in second homes.</li> <li>• Encourage accessory dwelling units in second home properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Yes, feedback on listed recommendations.</li> </ul>
<p><b>Economic Viability/Sustainability: <i>The Town of Breckenridge is a cohesive and diverse community...</i></b> Where a strong and sustainable year-round economy insured through partnerships with local businesses, resort operators, and state and federal agencies and anchored by a healthy, vibrant Main Street, supports the diverse economic and employment needs of local residents. (Town Vision Plan)</p>			
Service Commercial/Ind.	<ul style="list-style-type: none"> <li>• Demands for land use will drive service commercial/industrial uses downvalley or out of County.</li> </ul>	<ul style="list-style-type: none"> <li>• Amend Land Use Guidelines for certain areas (e.g., Airport Road) to identify service commercial/industrial as a preferred use or create relative policy encouraging.</li> <li>• Consider new locations for service commercial/industrial uses (e.g., north end of</li> </ul>	<ul style="list-style-type: none"> <li>• Yes, feedback on listed recommendations. Council has also suggested that service commercial might be a good issue for discussion in Joint Upper Blue Master Plan update.</li> </ul>

Topic	2030 Forecast/Issues	Recommendations	Issues for Public Discussion
		McCain). <ul style="list-style-type: none"> <li>Consider allowances for limited small-scale commercial services at north end of Town.</li> </ul>	
Water	<ul style="list-style-type: none"> <li>Potential for less reliable water supplies in the future, increasing value of water rights, and need for additional storage to accommodate “wet water”.</li> </ul>	<ul style="list-style-type: none"> <li>Protection of Town’s watershed and Goose Pasture Tarn are highest priority.</li> <li>Water conservation efforts must be heightened.</li> <li>Further pursue both the pumpback project and a reservoir at McCain.</li> </ul>	<ul style="list-style-type: none"> <li>Feedback on listed recommendations.</li> </ul>
Governmental Services/Revenue	<ul style="list-style-type: none"> <li>Increases in sales tax revenues will not be able to keep pace with growth in costs and demands for governmental services.</li> </ul>	<ul style="list-style-type: none"> <li>Explore possibilities for implementing a number of alternative revenue streams</li> <li>Monitor economic indicators in community and regularly review fine-grained fund balance analysis of different sectors of revenues</li> </ul>	<ul style="list-style-type: none"> <li>Feedback on potential alternative revenue stream ideas (e.g., amusement tax, sales tax increase, accommodations tax increase, service tax) could be shared with public for their reaction.</li> </ul>
<p><b>Natural Resources: <i>The Town of Breckenridge is a cohesive and diverse community...</i></b> Where the actions of the community ensure that wildlife and its habitat are protected, that views from Town to the surrounding mountains are maintained, that both air and water quality are clean and improved, and that accessible open space, trails, and backcountry are preserved. (Town Vision Plan)</p>			
Energy Sustainability	<ul style="list-style-type: none"> <li>Shorter ski season, smaller snowpack, and environmental changes.</li> </ul>	<ul style="list-style-type: none"> <li>Endorsement of Carbon Action Plan.</li> <li>Allocation of one million dollars to an energy efficiency revolving loan fund.</li> <li>Lead by example (e.g., Town initiates energy efficiency upgrades and renewable technologies on its facilities)</li> <li>Enact incentives in the Town’s Code to encourage use of Home Energy Rating Systems (HERS)</li> </ul>	<ul style="list-style-type: none"> <li>Feedback on Carbon Action Plan and goals: Is there a desire for more ambitious carbon reduction goals?</li> </ul>
Forest Health	<ul style="list-style-type: none"> <li>County experiences a major fire as a result of beetle kill.</li> <li>Increased sediment loading in local streams and reservoirs as aftermath to major fire event.</li> </ul>	<ul style="list-style-type: none"> <li>Develop fuel mitigation projects for Town properties and support other fuel mitigation projects (private homeowner associations, Forest Service)</li> <li>Design plans for water sedimentation facilities that would intercept debris flows.</li> <li>Implement Code and policy changes that make private property less vulnerable to the effects of wildfire.</li> <li>Continue to plan for a coordinated response to wildfire events with local and regional emergency response agencies.</li> <li>Plan for the financial implications of fighting a major wild fire.</li> <li>Support the USFS in their efforts to manage the</li> </ul>	<ul style="list-style-type: none"> <li>Feedback on listed recommendations.</li> </ul>

Topic	2030 Forecast/Issues	Recommendations	Issues for Public Discussion
Wildlife Habitat	<ul style="list-style-type: none"> <li>Shortage of reliable information regarding state of wildlife in most of the basin (outside Cucumber Gulch), thus limiting ability to plan and protect wildlife.</li> </ul>	<p>forest age, species and density.</p> <ul style="list-style-type: none"> <li>Develop a wildlife management plan to conserve large, contiguous, open spaces that provide quality wildlife habitat. As part of the plan:               <ul style="list-style-type: none"> <li>Identify focal species and crucial habitat through a more expansive data collection effort.</li> <li>Address changing habitat conditions resulting from the pine beetle infestation.</li> <li>Address “nuisance” wildlife species and their impact on other species.</li> </ul> </li> <li>Consider incorporating a new relative policy for wildlife in the Development Code to avoid development impacts on habitat</li> <li>Assess the Town’s existing wetland/riparian area setbacks to determine if larger buffer distances are needed to provide for wildlife.</li> <li>Provide for wildlife crossings on Hwy 9 in important movement corridors.</li> <li>Prioritize open space acquisitions that protect crucial wildlife habitat and prioritize habitat restoration on open space tracts.</li> <li>Continue land use planning efforts that support a compact development pattern, avoiding sprawl and impacts to rural lands that contain high habitat values</li> </ul>	<ul style="list-style-type: none"> <li>Feedback on listed recommendations.</li> </ul>
<p><b>Transportation: <i>The Town of Breckenridge is a cohesive and diverse community...</i></b> Where a multi-modal transportation system provides convenient, low cost, clean, sustainable links to the ski area base facilities, parking facilities, downtown, and throughout the community and region. (Town Vision Plan)</p>			
Traffic/Parking	<ul style="list-style-type: none"> <li>Traffic congestions projected to increase from current 20 days/year of gridlock to 40-45 days/year.</li> </ul>	<ul style="list-style-type: none"> <li>Set a goal of maintaining existing levels of congestion (20 days/year).</li> <li>Keep densities towards the Town core, including workforce housing and consider establishing a growth boundary to focus an efficient transit system.</li> <li>Explore implementing some of the recommendations from Dan Burden’s walkability assessment</li> <li>Marketing campaign to reduce the number of</li> </ul>	<ul style="list-style-type: none"> <li>Feedback on the level of congestion considered acceptable and trade-offs (e.g., less congestion= more \$/resources and potential character changes, more congestion=further degradation of town environment)</li> <li>Feedback on pursuing alternative transportation modes as opposed to building more lanes to</li> </ul>

Topic	2030 Forecast/Issues	Recommendations	Issues for Public Discussion
		in-town trip ends <ul style="list-style-type: none"> <li>• Incentivize use of alternative forms of transportation.</li> <li>• Continue to implement improvements specified in the <i>Town of Breckenridge Transportation, Circulation and Main Street Reconstruction Plan</i>.</li> <li>• Revisit parking code &amp; consider cap limits on parking within the Town Core to minimize congestion.</li> <li>• Encourage the ski resort to further incentivize carpooling of day skiers.</li> <li>• More emphasis on policing of Town controlled spaces at peak times.</li> <li>• Analyze the effects of effects of implementing above actions, as opposed to the effects of adding more lanes of traffic (e.g., Park Avenue).</li> </ul>	accommodate traffic. <ul style="list-style-type: none"> <li>• Feedback on other listed recommendations.</li> </ul>
<b>Housing: <i>The Town of Breckenridge is a cohesive and diverse community...</i></b> Where a diversity of housing is integrated throughout the community and provides a variety of housing options. (Town Vision Plan)			
Housing Availability	<ul style="list-style-type: none"> <li>• Home price to income gap increases and ability for Town workforce to live in Town is threatened, unless housing plans are fully implemented.</li> <li>• Potential lack of funding sources for workforce housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement the Town’s Housing Action Plan, focusing on the Plan’s most important aspects, including:               <ul style="list-style-type: none"> <li>• Identify and land bank sites appropriate for workforce housing, including Town-owned parcels.</li> <li>• Evaluate the effectiveness of the housing assistance offered to Town employees.</li> <li>• Work with the business community to provide housing for their employers.</li> <li>• Explore options for housing members of the workforce as they age and retire.</li> <li>• Expand efforts to acquire existing free-market units and convert them to permanently affordable workforce housing.</li> <li>• Work with the Housing Authority to make sure that renters who want to buy have adequate homebuyer education and resources to qualify for mortgages.</li> </ul> </li> <li>• Formalize housing guidelines for annexations</li> </ul>	<ul style="list-style-type: none"> <li>• Feedback on listed recommendations.</li> </ul>
<b>Recreational Resources: <i>The Town of Breckenridge is a cohesive and diverse community...</i></b> Where the natural beauty of the Rocky Mountains is augmented by world class recreational opportunities that provide diverse activities throughout the year. Those activities are served by community facilities that enrich the visitor experience while ensuring affordable and accessible recreation opportunities for residents and visitors. (Town Vision Plan)			

Topic	2030 Forecast/Issues	Recommendations	Issues for Public Discussion
Recreation	<ul style="list-style-type: none"> <li>Recreational services provided do not meet needs of increased population</li> </ul>	<ul style="list-style-type: none"> <li>Focus Town resources on recreational programs which are at or near capacity and most cost effective.</li> <li>Prioritize funding for youth programs such as swimming lessons, ice lessons and gymnastics.</li> <li>Maintain existing recreational facilities at a high quality level instead of expanding or developing new facilities.</li> <li>Continue to implement strategies from the <i>Open Space</i> and <i>Trails Master Plans</i> as they are financially feasible.</li> <li>Adjust the Town Development Code to incentivize developers to develop more recreational facilities and active park space.</li> </ul>	<ul style="list-style-type: none"> <li>Feedback on listed recommendations.</li> </ul>

Planning Commission Staff Report

Project Manager: Michael Mosher, Planner III

Date: March 29, 2010 (For meeting of April 6, 2010)

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

Applicant/Owner: YL Alliance, LLC (Rob and Marilyn Bradley)

Agent: Janet Sutterley, Architect

Proposal: A proposal to perform a historically compliant exterior and interior remodel that will include a full basement beneath the historic footprint. A small shed is also proposed at the southwest corner of the property. The existing deck that crosses the west property line is to be removed. Three separate variances are sought for:

1. Slightly increasing the slope of the primary roof.
2. Replacing the historic house at the same 5-foot setback after moving it for creation of a basement.
3. Placing the proposed shed in line with the house at the 5-foot setback.

In addition, the applicant is seeking to locally landmark the property. A color and material board will be available at the meeting.

Address: 213 East Washington Avenue

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

Site Area: 0.056 acres (2,428 sq. ft.)

Land Use District: 17, Residential, 11 UPA, Single Family or Duplex

Historic District: #1, East Side Residential Character Area

Site Conditions: The property now contains a small unmaintained historic residence. The remaining property is unimproved and heavily weeded. Parking occurs on the Town Right of Way (ROW).

Adjacent Uses: Single family residential properties.

Density: Per the recorded plat, the existing density is the allowed maximum: 672 sq. ft.  
Proposed density: 672 sq. ft.  
(Additional landmarked density is proposed in a full basement at 644 sq. ft.)

Density Summary: Lower Level (Landmarked “free”): 644 sq. ft.  
Main Level: 672 sq. ft.



Total 1,316 sq. ft.

Mass: Per the recorded plat - With the existing 672 sq. ft. of existing house, there is 154 remaining square feet of mass for Lot 1A only.

Proposed mass: 672 + 114 (shed) = 786 sq. ft.

Height: Existing: 11'-3" (mean); 14'-3" (overall)  
Recommended: 23'-0" (mean)  
Proposed: 12'-3" (mean); 15'-3" (overall)

Parking: Required: 2 spaces  
Proposed: 2 spaces

Snowstack: Required: 81 sq. ft. (25%)  
Proposed: 81 sq. ft.

Setbacks: Relative:  
Front: 15 ft.  
Sides: 5 ft.  
Rear: 15 ft.  
  
Absolute:  
Front: 10 ft. (20 ft. for garage doors)  
Side: 3 ft.  
Rear: 10 ft. (5 ft. to alleys)  
  
Proposed:  
Front: 15 ft.  
Sides: 3 ft. / 5 ft.  
Rear: 5 ft.

### Item History

The site originally was divided by a property line running east to west (see attached plat). In 1882, the front half (the 12' X 20' portion) of the house at 211 East Washington Avenue (Lot 2A) was the only house on the two historic lots. In the early 1960's, the house that represents this application (Lot 1A) was moved to its present location. Later, in 1975, a large non-compliant addition was attached to the small historic house at 211 East Washington (Lot 2a). As a result, today, the total density on these two lots greatly exceeds the suggested density allowed for the land area.

This house (Lot 1A) and the house to the west (Lot 2A) were recently owned by Bette Rittenger for many years. Both houses have had no exterior improvements under her ownership. As described above, the two houses originally sat on Lots 1 and 2, Block 10 Abbetts Addition over the original property lines running east to west, bisecting each house. In order to separately sell the houses, a Class C Subdivision was approved (rec#903983) adjusting the property line by turning it 90 degrees and placing it between the existing houses creating a new and separate lot beneath each house. The location of both the houses and the existing density overages are "grandfathered" as legal non-conforming with the recordation of the plat. The plat note on the re-subdivision (penned by the Town Attorney) states:

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

Planning Commission comments from the March 16, 2010 meeting:

- Mr. Schroder: Following staff’s recommendation. This lot is the “gateway” to this block. It is a great corner, and it is currently looking pretty crummy. In support of all five questions in the report. Move forward completely without reservation. Go to final.
- Ms. Katz: Thoughtful project. It does improve the lot and makes the structure better-contribute to the neighborhood and to the historic district. Appreciate all the work. I generally dislike variances too, but I agree with all of them in this case. Fine with landmarking criteria, agree with a steeper roof, yes on question 2 on 9A. No issue with the eaves encroaching into setback either. No issues with this project on this particular lot.
- Mr. Lamb: In agreement with all. I supported it the first two times we reviewed this. This lot is the poster child for the suggested variances. In support of all five issues in report and variances, good to move on.
- Mr. Pringle: Agree. In favor of all five issues. Ms. Sutterley did a great job on a very difficult site. House will look a lot more historic, reinforcing our standards.
- Mr. Bertaux: Agree with other Commissioners, support the variances. Setback issue about the shed, not a measurable concern. Needs to follow the spirit of the property and it does.
- Mr. Allen: Absolutely fantastic, support all the variances, support landmarking. No issue with the retaining wall, just an issue with the parking, prefer to see all on-site. Kind of hung up on that. We encourage sheds, I would like to see the shed get small enough to get all of the parking on site, but that is my only hang up.

**Changes Since the Last Submittal**

The site plan and mass calculations have been modified to reflect the new size of the proposed shed (10’X12’).

Staff Comments

The last review comprehensively covered all the criteria for the proposed variances, eave encroachment request, locally landmarking, and the point analysis. We heard general support of the project as presented.

Summarizing, the attached plans indicate a proposed restoration that would bring the architecture of the house back to how it might have looked when it was originally constructed and more into compliance with the Town’s Historic Guidelines and in this Character Area. The changes would include (same as previous report):

1. The footprint/perimeter walls will remain the same; no additional density is to be added above ground.
2. Maintaining all of the historic exterior walls and historic openings.
3. Raise the plate height of the walls 9 inches at the south elevation and 18 inches at the north elevation to allow for window and door headers and to meet the minimum required building code head clearance. Currently there are no headers over the doors and windows and the head height is below the minimum requirement.

4. Replace the low sloping roof(s) and create a new roof with a steeper 10:12. (Priority Policy 121).
5. Create a front porch (Design Standard 129)
6. Remove the non-compliant, non-historic windows and replace with vertically orientated double hung compliant wood windows.
7. Create a full basement/foundation (based on approval of locally landmarking the structure) for additional living space.
8. Build a new detached shed (outbuilding) for storage at the back of the lot. (Design Standard 127)
9. Reside the structure with historic compliant horizontal lap siding 4-4 ½” exposure. (Priority Policy 125).
10. The roof would be re-sheathed with historic compliant cut wood shingles.
11. The house would be shifted slightly on the lot squaring it up to allow for parking on-site.
12. The house would have substantial permanent electrical, plumbing, and/or mechanical system upgrades.

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

Density/Intensity (3/A & 3/R)/Mass (4/R): The allowed density (as mentioned above) has been established by the recorded plat. No additional above ground density is proposed. With so little livable space in the house, a new storage shed will use a portion of the remaining mass to store tools, garbage cans, etc. As part of this application, the applicant is seeking a local landmark designation (see below) for the added basement beneath the historic house.

Architectural Compatibility (5/A & 5/R): The agent has carefully worked with the Town Historian and Staff to ensure that all applicable design criteria of the Development Code, the Handbook of Design Standards for the Historic and Conservation Districts and the Design Standards for the Historic District Character Area #1: East Side Residential have been met, with the exception of the roof pitch. A variance is sought for this exception to change the slope of the primary roof from a 6:12 to a 10:12 slope (see Findings and Conditions). Staff has no concerns.

Variances: The applicants are seeking three separate variances from the Development Code.

#### Policy 5/A -Variance— Priority Policy 69 - Slope of Roof

The applicant seeks a variance from Priority Policy 69 to alter the existing angle of the roof. This will allow: the overall appearance of the house better contribute to the historic character of the neighborhood and the overall Historic District; increase the economic and financial benefits to the citizens of the Town by making the Town more attractive, inviting and interesting to the Town’s many tourists and visitors; and to increase public appreciation of the Town’s unique heritage.

We heard support for this variance at the last hearing. Details are included in the attached Findings and Conditions.

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

Site and Environmental Design (7/R): The existing house is proposed to be moved slightly north to accommodate the proposed on-site parking spaces. The existing retaining wall that extends beyond the

property lines will remain (with an encroachment license agreement provided to the Town). Overall, the site impacts are nominal. Staff has no concerns.

Placement of Structures (9/A & 9/R): The existing house and proposed shed do not meet the rear yard setbacks defined for the absolute portion of this policy. The house, as it sits, is “grandfathered” as an existing legal non-conforming structure and not subject to this policy. When the house is lifted and moved to create the basement, it affects the non-conforming status as it is re-placed on the property.

The House: This is a very small lot at only 2,428 square feet, significantly smaller than a historic narrow lot. If, during this redevelopment, the house were to be moved towards the east, creating a conforming rear yard setback, it would then place the house 12-feet off the front property line, not meeting the recommended 15-foot relative setback. In addition, moving the house towards the east places it further in front of the neighboring historic house to the south. This would violate Priority Policy 89 of the Handbook of Design Standards for the Historic and Conservation Districts - Maintain the established historic setback dimensions in new construction) and Priority Policy 114 which states: “Maintain the typical setback of buildings along the block”. Moving the house further east would also reduce the size of the front yard and fail to meet Priority Policy 114. Staff is supportive of having the legal non-conforming rear yard setback maintained with the relocation of the house.

#### Variance— Policy 9 (Absolute) Re-placement of House

The applicant also seeks a variance from the absolute setback requirements of Policy 9 (Absolute) (Placement of Structures) of Section 9-1-19 of the Development Code (“Policy 9 (Absolute)”) in order to redevelop the existing single family residence on the property in its current location with a rear yard setback of only 5-feet. We heard support for this variance at the last hearing. Details are included in the attached Findings and Conditions.

The Shed: A new shed is proposed at the southwest corner of the lot that is shown to align with the 5-foot rear setback of the house. Having a shed or “outbuilding” is encouraged in this Character Area.

#### Variance— Policy 9 (Absolute) - Placement of Shed

The applicants also seek a variance from the absolute setback requirements of Policy 9 (Absolute) (Placement of Structures) of Section 9-1-19 of the Development Code (“Policy 9 (Absolute)”) in order to place the proposed shed at a setback of 5-feet instead of the required 10-feet. We heard support for this variance at the last hearing. Details are included in the attached Findings and Conditions.

Eave encroachment: Also under the absolute portion of this policy: Encroachments/Protection: Notwithstanding the above restrictions, and in those instances where a violation of the Uniform Building Code is not created, bay windows, roof eaves and other similar projections may extend within any required yard up to a maximum of eighteen inches (18”) with approval of the Planning Commission.

The eaves of the house and shed encroach into the setbacks 12-inches and do not violate the Building Code. Staff heard support for this encroachment at the last hearing. We have no concerns.

Two of the relative setbacks are not being met with this application. As a result negative six (-6) points will be incurred at final review under this policy.

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

Parking (18/A & 18/R): All of the required parking for this property currently occurs off-site within the Town right of way (the occupants obtain an annual on-street parking permit). The new plan places the parking, except for a 5-foot portion, on the property.

Staff heard general support for allowing an encroachment license to be granted for the portion of one parking space to extend over the property line by about 4 to 5 feet and for the existing wood planter/retaining wall that are already outside the property line. This has been added as a Condition of Approval. Staff also notes that this agreement allows the Town to have the license agreement terminated if the encroachments interfere with any future improvements the Town may need in the R.O.Ws. Staff has no concerns.

Landscaping (22/A & 22/R): On this small lot a modest landscaping plan is being proposed. The plans indicate that there will be two (2) 6-foot tall spruce trees, one (1) 5-foot tall (1.5" to 2" caliper) Spring Snow Crabapple, and seven (7) 1-½ " caliper multi-stem Aspen and five (5) 5-gallon shrubs. Staff has no concerns.

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

As a historic structure, the restoration and renovation allows for positive points to be earned with the application. The previous report cited examples of other restoration efforts and the points that had been awarded at final review. At the last hearing we heard the majority of Commissioner supported awarding positive nine (+9) points for the restoration efforts associated with this proposal. Per the Development Code under this portion of the policy:

+9 On site historic preservation/restoration effort of above average public benefit.

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

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

- New historically compliant wooden windows
- New 4½" reveal wood siding
- New foundation
- New wooden roof shingles
- New porch
- Substantial permanent electrical, plumbing, and mechanical system upgrades
- Structural stabilization of both roofs

The Point Analysis reflects positive nine (+9) points for the restoration efforts.

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

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

Point Analysis (Section: 91173): With the exception of the requested variances from Policy 5/A (compliance with Priority Policy 69 from the Historic Standards) and Policy 9/A (for the setbacks for the house and proposed shed), the application meets all remaining applicable Absolute Policies of the Development Code.

As for the relative policies, negative six (-6) points are recommended under Policy 9/R for the development not meeting two of the four suggested setbacks with the placement of the shed and replacement of the house at the southwest corner of the property. Positive nine (+9) points are recommended for the restoration efforts for the house. The resulting score is positive three (+3) points.

#### Locally Landmarking:

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

#### 9-11-1: Purpose and Intent:

A. The purpose of this Chapter is to promote the public health, safety, and welfare through:

1. The protection and preservation, by appropriate regulations, of the Town's historic and cultural heritage;
2. The enhancement of property values, and the stabilization of historic neighborhoods;
3. The increase of economic and financial benefits to the citizens of the Town by making the Town more attractive, inviting and interesting to the Town's many tourists and visitors; and
4. The provision of educational opportunities to increase public appreciation of the Town's unique heritage.

B. The intention of this Chapter is to create a method to draw a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character by authorizing the Town to designate landmarks, landmark sites, historic districts and cultural landscape districts; to require stabilization of properties which are of historic value in order to assure that such properties will not be lost as a result of inadvertence, indifference or neglect; and to ensure that the maintenance, alteration or demolition of properties of historic value shall be carefully considered for impact to the property's contribution to the Town's heritage.

It has been factually determined that the house is over 50 years old. Based on comments heard at the last hearing, Staff has identified the following as the criteria allowing this property to be locally landmarked via an ordinance from Town Council.

#### The property

- meets the "architectural" designation criteria for a landmark as set forth in Breckenridge Town Code
  - o Section 9-11-4-A-1-a (5) because the property exemplifies style particularly associated with the Breckenridge area,
  - o Section 9-11-4-A-1-a (6) The proposed landmark represents a built environment of a group of people in an era of history,
  - o Section 9-11-4-A-1-a (8) The proposed landmark is a significant historic remodel,
- and the property meets the "Physical Integrity" designation criteria for a landmark as set forth in Breckenridge Town Code

- o Section 9-11-4-A-3 (a) The proposed landmark shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation,
- o and Section 9-11-4-A-3 (b) The proposed landmark retains original design features, materials and/or character.

### Staff Recommendation

The proposed renovation of this historic home and has closely followed the design guidelines of the Handbook of Design Standards for the Historic and Conservation Districts, with the exception of maintaining the existing roof pitch, to create a finished home that will contribute to the Town's Historic District and neighborhood. The proposed reduced setbacks for the house and shed have minimal impact to the neighborhood and benefit the neighborhood by enhancing the front and side yards.

We have three motions for the Commission to initiate at this hearing.

1. Staff recommends support of the three variances to Policies 5/A and 9/A by endorsing the attached Point Analysis that reflects a passing score of positive three (+3) points.
2. Staff recommends approval of the Bradley Residence Historic Renovation, Variances and Landmarking, PC#2010002.
3. We also suggest the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.

<b>Final Hearing Impact Analysis</b>				
Project:	Bradley Residence Historic Renovation, Variance and Landmarking		<b>Positive Points</b>	<b>+9</b>
PC#	2010002			
Date:	03/10/2010		<b>Negative Points</b>	<b>- 6</b>
Staff:	Michael Mosher			
			<b>Total Allocation:</b>	<b>+3</b>
<i>Items left blank are either not applicable or have no comment</i>				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		Conforms to suggested use in this Land Use District
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)	0	Lower Level (Landmarked "free"): 644 sq. ft.; Main Level: 672.0 sq. ft.; Total 1,316 sq. ft.
4/R	Mass	5x (-2>-20)	0	672 (house)+ 114 (shed) = 786 sq. ft.
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		<b>Variance from Priority Policy 69 only</b>
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)	0	Complies
5/R	Architectural Compatibility / Conservation District	5x(-5/0)	0	Complies
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)	0	
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)	0	
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)	0	12'-3" (mean); 15'-3" (overall)
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		<b>Variance for rear yard setback</b>
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)	- 6	A new shed is proposed at the southwest corner of the lot that only meets the absolute setbacks (3-feet) on two sides. As a result negative six (-6) points are being incurred.
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)	0	25% of paved area being met.
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)		Encroachment License Agreement to be recorded.
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)	0	The plans indicate that there will be two (2) 6-foot tall spruce trees, one (1) 5-foot (1.5" to 2" caliper) Spring Snow Crabapple, and seven (7) 1-1/2" caliper, multi-stem, Aspen and five (5) 5-gal. shrubs are proposed.
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		Not applicable .
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	+9	On site historic preservation/restoration effort of above average public benefit. - With the existing historic roof framing/ wall framing in such good shape, restoration/renovation includes:• New historically compliant wooden windows• New 4 1/2 inch reveal wood siding• New foundation• New porch• Substantial permanent electrical, plumbing, and mechanical system upgrades• Structural stabilization of roof.
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		
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		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		

## TOWN OF BRECKENRIDGE

Bradley Residence Historic Renovation, Variance and Landmarking  
Lot 1A, Rittenger Subdivision, a lot line adjustment of Lots 1 and 2, Block 10 Abbetts Addition  
213 East Washington Avenue  
Permit #2010002

<b>STAFF RECOMMENDATION:</b> Staff recommends the Planning Commission approve this application with the following findings and conditions.
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### 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 March 29, 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 April 6, 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.
7. The Planning Commission recommends that the Town Council adopt an ordinance to Landmark the historic structure based on proposed restoration efforts and the fulfillment of criteria for architectural significance as stated in Section 9-11-4 of the Landmarking Ordinance.

### Variance Findings — Priority Policy 69

8. The property that is the subject of this Application is located at 213 East Washington Avenue. Such property is located within the Town's Historic District, and within the Town's Character Area #1, known as the "East Side Residential Character Area." The building that is located on the property currently has a "contributing with qualifications" building category designation.
9. Policy 5 (Absolute) of Section 9-1-19 of the Town's Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code) ("Development Code") provides, in pertinent part, as follows:

B. Conservation District: Within the Conservation District, which area contains the Historic District . . . substantial compliance with both the design standards contained in "The Handbook of Design Standards" [the Town of Breckenridge "Handbook of Design Standards for the Historic and Conservation Districts, February 1992"] ("Design Standards") and all specific individual standards for the transition or character area within which the project is located is required to promote the educational, cultural, economic and general welfare of the community through the protection, enhancement and use of the District structures, sites and objects significant to its history, architectural and cultural values.

10. Pursuant to the Design Standards, a “priority policy” is a policy that must be met in order for an application to be found to be in “substantial compliance” with the Design Standards as required by Paragraph B of Policy 5 (Absolute) of Section 9-1-19 of the Development Code.
11. Priority Policy 69 of the Design Standards (“Priority Policy 69”) provides, in pertinent part, as follows:
  69. Preserve the original roof form.
    - Avoid altering the angle of the roof.
    - Maintain the perceived line of the roof from the street.
12. A Design Standard priority policy is treated by the Town as an absolute policy under the Development Code. Therefore, Priority Policy 69 of the Design Standards is treated as an absolute policy under the Development Code.
13. An absolute policy is defined by Section 9-1-5 of the Development Code as “a policy which, unless irrelevant to the development, must be implemented for a permit to be issued.”
14. If the Application is granted the pitch of the primary roof will change from a 6:12 to a 10:12. This alteration to the angle of the roof violates Priority Policy 69. Therefore, unless a variance is granted from the provisions of Priority Policy 69, the Application will have to be denied pursuant to Section 9-1-18-2(E)(5) of the Development Code. (“If the proposed development does not implement all affected absolute policies (subject to variance) . . . the Planning Commission shall deny the permit.”)
15. The Applicant seeks a variance from Priority Policy 69 to allow the overall appearance of the house to better contribute to the historic character of the neighborhood and the overall Historic District, to increase economic and financial benefits to the citizens of the Town by making the Town more attractive, inviting and interesting to the Town’s many tourists and visitors; and to increase public appreciation of the Town’s unique heritage.
16. A variance is defined in Section 9-1-5 of the Development Code as follows:

VARIANCE: A finding by the approving agency that, although a proposed development is not in strict compliance with an absolute policy, to deny the development permit would result in "undue hardship" as defined by law. No relief from compliance with an absolute policy shall be granted except upon findings that:

  - A. the failure to implement the absolute policy is of insignificant proportions; and
  - B. the failure to implement the absolute policy will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy; and
  - C. there are exceptional circumstances applicable to the specific development which do not apply generally to other properties in the same district or neighborhood.
17. Section 9-1-11 of the Development Code sets forth the Town’s rules for the granting of a variance from the provisions of the Development Code.
18. Paragraph (A)(2) of Section 9-1-11 of the Development Code provides that “(a) variance may be granted with respect to any absolute policy contained in this chapter.”
19. Because Priority Policy 69 is treated as an absolute policy, the Planning Commission may lawfully grant a variance with respect to Priority Policy 69 if all applicable variance requirements are satisfied.

20. The Applicant has filed the required application for a variance, and has paid the applicable fee.
21. All required notice with respect to the hearing on the Applicant's request for a variance has been given as required by the Development Code.
22. Paragraph A of Section 9-1-11 of the Development Code provides as follows:

A. Purpose/Limitations:

1. In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter, variances from the regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.

This paragraph establishes one requirement for the granting of a variance.

23. Paragraph D of Section 9-1-11 of the Development Code sets forth the additional criteria which must be established by an applicant in order for a variance to be granted. Such paragraph provides as follows:

D. Criteria For Approval: Before the commission can grant a variance application, the applicant must prove physical hardship and the commission must find all of the following:

1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.
2. That such special circumstances were not created by the applicant.
3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.
4. The variance applied for does not depart from the provisions of this chapter any more than is required.

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

A. The denial of the Application would result in "undue hardship" as defined by law.

Reason/Factual Basis for Finding: Denying the application would result in the historic building located on the property not being restored and rehabilitated as proposed in the Application. The restoration and rehabilitation of the historic building is of importance to both the Town and the Applicant. Under the circumstances presented in this Application, the denial of the Applicant's variance request would result in undue hardship to the Applicant.

B. The failure to implement that portion of the requirements of Priority Policy 69 is of insignificant proportions.

Reason/Factual Basis for Finding: Compared to be substantial historical and aesthetic benefits to be derived by the public from the restoration and rehabilitation of the historic building on the property, granting the variance and allowing a change in roof pitch from 6:12 to 10:12 is comparatively insignificant.

- C. The failure to implement the requirements of Priority Policy 69 will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy.

Reason/Factual Basis for Finding: See the Reason/Factual Basis for Finding under Findings A and B of this Section.

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

Reason/Factual Basis for Finding: The applicable conditions are site-specific to the Applicant's property which is the subject of the Application, and do not exist generally within the Town's Historic District or the Land Use District in which the Applicant' property is located.

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

- A. There are practical difficulties and unnecessary physical hardships associated with the Application. Such difficulties and hardships are inconsistent with the objectives of Chapter 1 of Title 9 of the Breckenridge Town Code, known as the Breckenridge Development Code.

Reason/Factual Basis for Finding: There are practical difficulties and unnecessary physical hardships that make it difficult for the Applicant to undertake the restoration and rehabilitation of this important piece of property in a way that would preserve the existing roof pitch of the building on the property.

- B. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question. Such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.

Reason/Factual Basis for Finding: See the Reason/Factual Basis for Finding under Finding A of this Section.

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

Reason/Factual Basis for Finding: The special circumstances have been created by persons other than the Applicant. The house was in this condition when the applicants purchased it.

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

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

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

Reason/Factual Basis for Finding: See the Reason/Factual Basis for Finding under Findings A, B, C, and D of this section.

- F. The variance applied for does not depart from the provisions of the Development Code any more than is required.

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

- 26. Accordingly, the Applicant's request for a variance from the requirements of Priority Policy 69 to allow the roof pitch be changed from 6:12 to 10:12, all as described in the Application and supporting documentation, is GRANTED.

Variance Findings (Re-Placement of house) — Policy 9 (Absolute)

- 27. The Applicant also seeks a variance from the absolute setback requirements of Policy 9 (Absolute) (Placement of Structures) of Section 9-1-19 of the Development Code ("Policy 9 (Absolute)") in order to redevelop the existing single family residence on the property in its current location with a rear yard setback of only 5 feet.
- 28. The Applicant has filed the required application for a variance, and has paid the applicable fee.
- 29. All required notice with respect to the hearing on the Applicant's request for a variance has been given as required by the Development Code.
- 30. An absolute policy is defined by Section 9-1-5 of the Town's Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code) as "a policy which, unless irrelevant to the development, must be implemented for a permit to be issued. The policies are described in section 9-1-19 of this chapter."
- 31. Policy 9 (Absolute) establishes the setback requirements for the construction of residential improvements within the Town. As such, Policy 9 (Absolute) establishes the absolute setback requirements which are applicable to the Application.
- 32. The Application does not meet the absolute rear yard setback requirement of Policy 9 (Absolute). Therefore, unless a variance is granted with respect to the requirements of such policy, the Application will have to be denied pursuant to Section 9-1-18-1(E)(5) of the Development Code. ("If the proposed development does not implement all affected absolute policies (subject to variance) . . . the Planning Commission shall deny the permit.")
- 33. A variance is defined in Section 9-1-5 of the Development Code as follows:

VARIANCE: A finding by the approving agency that, although a proposed development is not in strict compliance with an absolute policy, to deny the development permit would result in "undue hardship" as defined by law. No relief from compliance with an absolute policy shall be granted except upon findings that:

- A. the failure to implement the absolute policy is of insignificant proportions; and

- B. the failure to implement the absolute policy will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy; and
- C. there are exceptional circumstances applicable to the specific development which do not apply generally to other properties in the same district or neighborhood.

- 34. Section 9-1-11 of the Development Code sets forth the Town’s rules for the granting of a variance from the provisions of the Development Code.
- 35. Paragraph 2 of Section 9-1-11 of the Development Code provides that “(a) variance may be granted with respect to any absolute policy contained in this chapter.”
- 36. Paragraph (A) of Section 9-1-11 of the Development Code provides as follows:

A. Purpose/Limitations:

- 1. In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter, variances from the regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.

This paragraph establishes one requirement for the granting of a variance.

- 37. Paragraph D of Section 9-1-11 of the Development Code set forth the additional criteria which must be established by an applicant in order for a variance to be granted. Such paragraph provides as follows:

D. Criteria For Approval: Before the commission can grant a variance application, the applicant must prove physical hardship and the commission must find all of the following:

- 1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.
- 2. That such special circumstances were not created by the applicant.
- 3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.
- 4. The variance applied for does not depart from the provisions of this chapter any more than is required.

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

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

Reason/Factual Basis for Finding: This is a very small lot at 2,428 square feet. If, during redevelopment, the house on the lot was moved towards the east, creating a conforming rear yard setback, it would then place the house 12-feet off the front property line. This would not meet the suggested 15-foot relative setback of Policy 9 (Relative). In addition, moving the house towards the east would place it further in front of the neighboring historic house to the south. This would violate Priority Policy 89 of the Handbook of Design Standards for the Historic and Conservation Districts - Maintain the established historic setback dimensions in new construction and Priority Policy 114 of the Design Standards for the Historic District, Character Area #1: East Side Residential - Maintain the typical setback of buildings along the block. Moving the house further east would reduce the size front yard and fail to meet this Priority Policy. The Planning Commission concludes that it is proper to have having the legal non-conforming rear yard setback maintained with the restoration of the house.

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

Reason/Factual Basis for Finding: A portion of the neighboring building, to the west, is located over the existing west property line. Under these circumstances, and taking into consideration the surrounding neighborhood and the goals and policies of the Development Code, granting the requested variance to the Applicant will result in a deviation from the Code requirements of an insignificant proportion.

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

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

- D. Insofar as known to the Planning Commission there are exceptional circumstances applicable to the Application which do not apply generally to other properties in the same land use district or neighborhood.

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

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

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

Reason/Factual Basis for Finding: Due to the extremely small size of the lot and the size of the existing house on the lot, the redeveloped single family residence cannot reasonably meet the absolute setback requirements of Policy 9 (Absolute) and the applicable Priority Policies of the Handbook of Design Standards for the Historic and Conservation Districts.

- B. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question. Such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.



Reason/Factual Basis for Finding: Due to the extremely small size of the lot and the size of the existing house on the lot, the redeveloped single family residence cannot reasonably meet the absolute setback requirements of Policy 9 (Absolute) and the applicable Priority Policies of the Handbook of Design Standards for the Historic and Conservation Districts.

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

Reason/Factual Basis for Finding: The Applicant's lot was not subdivided by the Applicant, nor was the existing single family residence on the property constructed by the Applicant. The Applicant is not responsible for the extremely small size of the lot and the size of the existing house on the lot.

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

Reason/Factual Basis for Finding: Insofar as known to the Planning Commission the conditions upon which the Application are based are unique to the Applicant's property, and are not applicable to other property in the same land use district or neighborhood.

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

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

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

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

- 40. The existing single family residence located on the property is a nonconforming structure as defined by Section 9-1-5 of the Development Code. As such, it is subject to the provisions of Section 9-1-12 of the Development Code. Although subsection F of Section 9-1-12 provides that no nonconforming structure shall be structurally altered or expanded in any way that would increase the degree or area of nonconformance, the Application does not provide for an increase in the degree or area of nonconformance of the existing structure on the property. As such, the approval of the Application complies with the requirements of Section 9-1-12 of the Development Code.
- 41. Accordingly, the Applicant's request for a variance from the absolute rear yard setback requirements of Policy 9 (Absolute) of Section 9-1-19 of the Development Code in order to redevelop the single family residence on the property with a 5 foot rear setback, all as described in the Application and supporting documentation, is GRANTED.

#### Variance Findings (Placement of shed) — Policy 9 (Absolute)

- 42. The Applicant also seeks a variance from the absolute setback requirements of Policy 9 (Absolute) (Placement of Structures) of Section 9-1-19 of the Development Code ("Policy 9 (Absolute)") in order to build a new storage shed with a rear yard setback of only 5 feet.
- 43. The Applicant has filed the required application for a variance, and has paid the applicable fee.

44. All required notice with respect to the hearing on the Applicant's request for a variance has been given as required by the Development Code.
45. An absolute policy is defined by Section 9-1-5 of the Town's Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code) as "a policy which, unless irrelevant to the development, must be implemented for a permit to be issued. The policies are described in section 9-1-19 of this chapter."
46. Policy 9 (Absolute) establishes the setback requirements for the construction of residential improvements within the Town. As such, Policy 9 (Absolute) establishes the absolute setback requirements which are applicable to the Application.
47. The Application does not meet the absolute rear yard setback requirement of Policy 9 (Absolute). Therefore, unless a variance is granted with respect to the requirements of such policy, the Application will have to be denied pursuant to Section 9-1-18-1(E)(5) of the Development Code. ("If the proposed development does not implement all affected absolute policies (subject to variance) . . . the Planning Commission shall deny the permit.")
48. A variance is defined in Section 9-1-5 of the Development Code as follows:

VARIANCE: A finding by the approving agency that, although a proposed development is not in strict compliance with an absolute policy, to deny the development permit would result in "undue hardship" as defined by law. No relief from compliance with an absolute policy shall be granted except upon findings that:

- A. the failure to implement the absolute policy is of insignificant proportions; and
  - B. the failure to implement the absolute policy will not result in substantial detriment to the public good or substantially impair the intent and purposes of the absolute policy; and
  - C. there are exceptional circumstances applicable to the specific development which do not apply generally to other properties in the same district or neighborhood.
49. Section 9-1-11 of the Development Code sets forth the Town's rules for the granting of a variance from the provisions of the Development Code.
  50. Paragraph 2 of Section 9-1-11 of the Development Code provides that "(a) variance may be granted with respect to any absolute policy contained in this chapter."
  51. Paragraph (A) of Section 9-1-11 of the Development Code provides as follows:
    - A. Purpose/Limitations:
      1. In order to prevent or to reduce such practical difficulties and unnecessary physical hardships inconsistent with the objectives of this chapter, variances from the regulations may be granted. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.

This paragraph establishes one requirement for the granting of a variance.

52. Paragraph D of Section 9-1-11 of the Development Code set forth the additional criteria which must be established by an applicant in order for a variance to be granted. Such paragraph provides as follows:
  - D. Criteria For Approval: Before the commission can grant a variance application, the applicant must prove physical hardship and the commission must find all of the following:

1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.
  2. That such special circumstances were not created by the applicant.
  3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.
  4. The variance applied for does not depart from the provisions of this chapter any more than is required.
53. The Planning Commission has received and considered the evidence submitted in connection with the Applicant's request for a variance; and based upon such evidence makes the following findings as required by the definition of a "variance" in Section 9-1-5 of the Development Code:
- A. Although the development proposed by the Application is not in strict compliance with the absolute setback requirements of Policy 9 (Absolute), to deny the development permit would result in "undue hardship" as defined by law.

Reason/Factual Basis for Finding: This is a very small lot at 2,428 square feet. Secondary structures, like this shed, are encouraged to house utilitarian functions, such as storage and waste receptacles by Design Standard 127 of the Handbook of Design Standards for the Historic and Conservation Districts in the Character Area #1: East Side Residential. Additionally, these supporting structures are important features of the historic districts and contribute to the sense of historic character. If, during redevelopment, the shed on the lot were placed further east on the lot, creating a conforming absolute or relative rear yard setback, it would then force portions of the required off-street parking further off the property impeding snow removal and other functions within the Town right of way and reduce parking for others in the neighborhood. In addition, moving the shed towards the east would place it to the side of the historic home, less in compliance with the historic relationship between primary and secondary structures.

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

Reason/Factual Basis for Finding: A portion of the neighboring building, to the west, is located over the existing west property line. Under these circumstances, and taking into consideration the surrounding neighborhood and the goals and policies of the Development Code, granting the requested variance to the Applicant will result in a deviation from the Code requirements of an insignificant proportion.

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

Reason/Factual Basis for Finding: The placement of the shed in the approved location will not result in substantial detriment to the public good because it will

allow more of the required on-site parking on the property, reducing impacts to the Town right of way, and provide additional enclosed storage space on the property, both of which will improve the public good and immediate neighborhood.

- D. Insofar as known to the Planning Commission there are exceptional circumstances applicable to the Application which do not apply generally to other properties in the same land use district or neighborhood.

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

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

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

Reason/Factual Basis for Finding: Due to the extremely small size of the lot and the size of the existing house on the lot, the proposed storage shed cannot reasonably meet the absolute setback requirements of Policy 9 (Absolute) and the applicable Priority Policies of the Handbook of Design Standards for the Historic and Conservation Districts.

- B. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question. Such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.

Reason/Factual Basis for Finding: Due to the extremely small size of the lot and the size and location of the existing house on the lot, the proposed storage shed cannot reasonably meet the absolute setback requirements of Policy 9 (Absolute) and the applicable Priority Policies of the Handbook of Design Standards for the Historic and Conservation Districts.

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

Reason/Factual Basis for Finding: The Applicant's lot was not subdivided by the Applicant, nor was the existing single family residence on the property constructed by the Applicant. The Applicant is not responsible for the extremely small size of the lot and the size of the existing house on the lot.

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

Reason/Factual Basis for Finding: Insofar as known to the Planning Commission the conditions upon which the Application are based are unique to the Applicant's property, and are not applicable to other property in the same land use district or neighborhood.

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

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

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

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

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

#### CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires three years from date of issuance, on April 12, 2013, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. 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.
8. Applicant shall notify the Town of Breckenridge Community Development Department prior to the removal of any building materials from the historic house. Applicant shall allow the Town of Breckenridge to inspect the materials proposed for removal to determine if such removal will negatively impact the historic integrity of the property. The Applicant understands that unauthorized removal of historic materials may compromise the historic integrity of the property, which may jeopardize the status of the property as a local landmark, and thereby the free basement density. Any such action could result in the revocation and withdrawal of this permit.

#### PRIOR TO ISSUANCE OF BUILDING PERMIT

9. Applicant shall submit proof of ownership of the project site.

10. The Applicant shall obtain approval of an ordinance from the Breckenridge Town Council for local landmark status for the property. If local landmark status is not granted by the Town Council, then the density in the basement of the Bradley Residence shall count toward the total density on the property, and revisions to the approved plans, final point analysis and this development permit may be required. The Applicant may be required to appear before the Breckenridge Planning Commission to process an amendment to the approved plans.
11. Applicant shall process and obtain approval from the Town Council of an ordinance locally landmarking this property.
12. Applicant shall contact the Town of Breckenridge and schedule a preconstruction meeting between the Applicant, Applicant's architect, Applicant's contractor and the Town's project Manager, Chief Building Official and Town Historian to discuss the methods, process and timeline for restoration efforts to the historic building(s).
13. An Improvement Location Certificate (ILC) from a Colorado registered surveyor showing the top of the existing historic buildings' ridge heights shall be submitted to the Town. An ILC showing the top of the existing buildings' ridge heights must also be submitted to the Town after construction activities, prior to the certificate of occupancy. The building is not allowed to increase in height due to the construction activities, other than what the Town has approved.
14. Applicant shall contact the Town of Breckenridge and schedule a preconstruction meeting between the Applicant, Applicant's architect, Applicant's contractor and the Town's project Manager, Chief Building Official and Town Historian to discuss the methods, process and timeline for restoration efforts to the historic building(s).
15. 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.
16. 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.
17. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
18. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
19. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
20. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

21. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
22. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan for the property
23. Applicant shall execute and record with the Summit County Clerk and Recorder an Encroachment License Agreement, running with the land, in a form acceptable to the Town Attorney, identifying the parking space and retaining wall encroachments into the Washington Avenue and French Street Right of ways.
24. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches from the property. Dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above ground.
25. 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.
26. Applicant shall screen all utilities.
27. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
28. 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.
29. 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.
30. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.

31. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
  
32. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.

\_\_\_\_\_

(Initial Here)



# RITTENGER SUBDIVISION

WASHINGTON STREET

S80°00'00"W  
74.00'

BEARING BASE FROM RECORD PLAT  
S80°00'00"W 92.03'

FRENCH STREET

LOT 1A  
2385 SQ.FT.  
0.055 ACRES

LOT 2A  
2217 SQ.FT.  
0.051 ACRES

LOT 3

RETAINING WALL

ONE STORY DWELLING

ONE STORY DWELLING

to be located  
NOTE

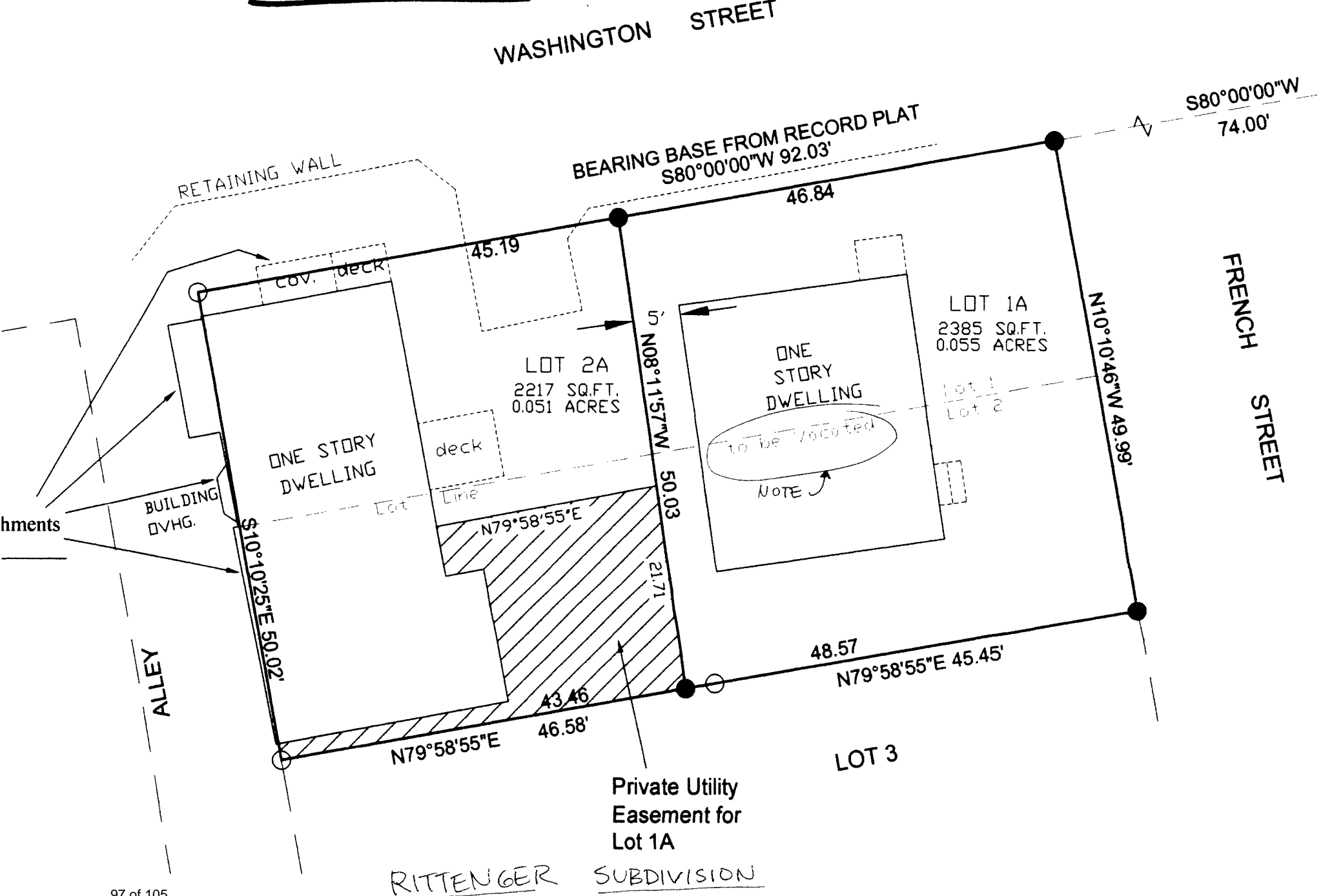
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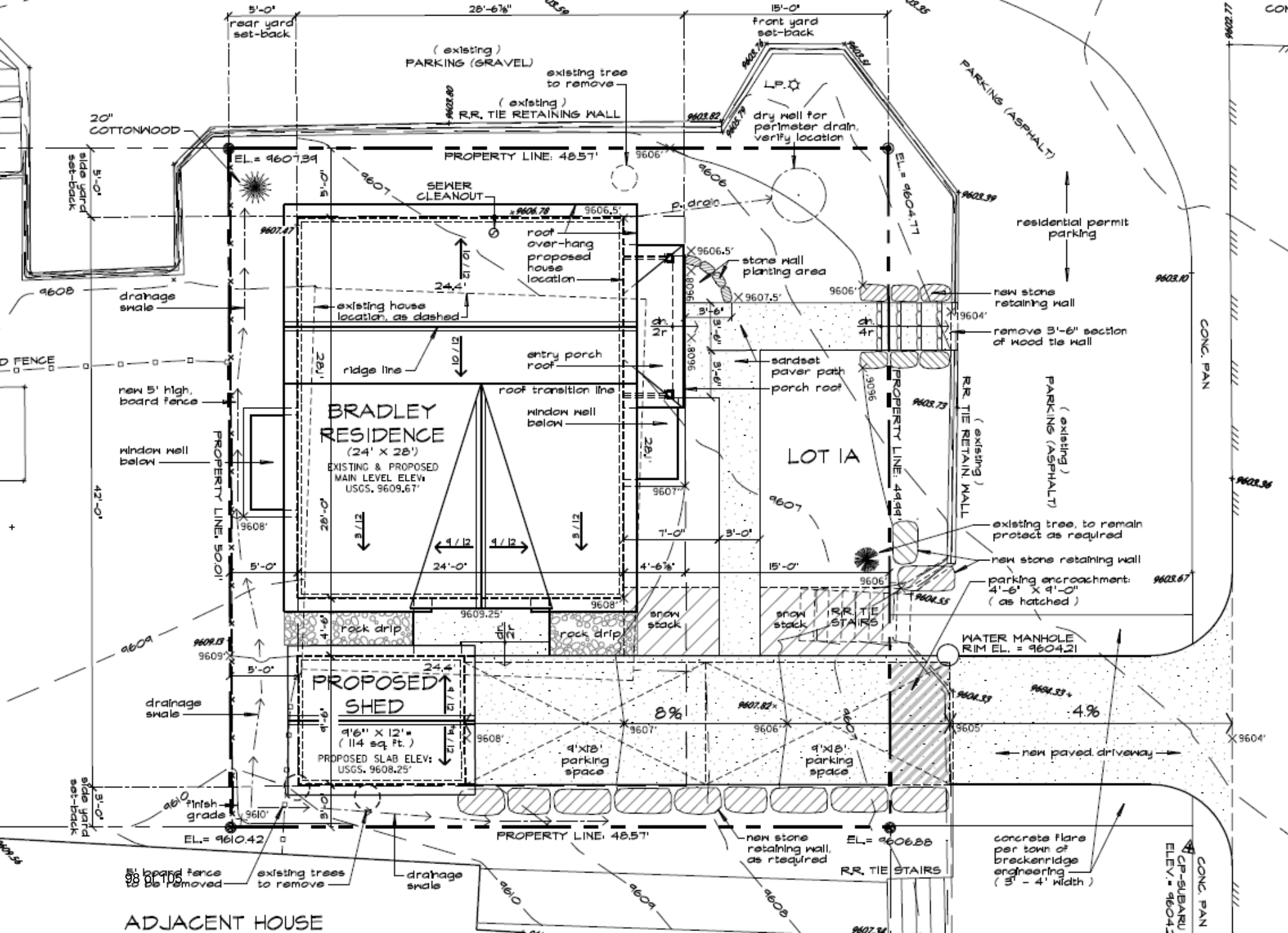
BUILDING  
OVHG.

ALLEY

Private Utility  
Easement for  
Lot 1A

RITTENGER SUBDIVISION





(existing) PARKING (GRAVEL)

existing tree to remove

(existing) R.R. TIE RETAINING WALL

dry well for perimeter drain, verify location

20' COTTONWOOD

PROPERTY LINE: 48.51'

SEWER CLEANOUT

roof over-hang proposed house location

stone wall planting area

residential permit parking

PARKING (ASPHALT) (existing)

**BRADLEY RESIDENCE**  
(24' x 28')

EXISTING & PROPOSED MAIN LEVEL ELEV.: USGS, 9609.67'

LOT 1A

existing tree, to remain protect as required

new stone retaining wall

parking encroachment: 4'-6" x 4'-0" (as hatched)

WATER MANHOLE RIM EL. = 9604.21

**PROPOSED SHED**  
9'6" x 12'  
(114 sq. ft.)

PROPOSED SLAB ELEV.: USGS, 9608.25'

4'x12' parking space

4'x12' parking space

new paved driveway

new stone retaining wall, as required

concrete flare per town of brackensridge engineering (3' - 4' width)

ADJACENT HOUSE

CONC. PAN  
GP-SUBARU  
ELEV. = 9604.31

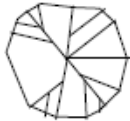
# Landscape - Symbols Legend



( 2 ) native blue spruce  
6'

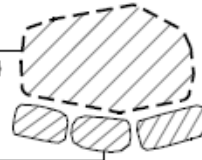


( 3 ) 5 gal.  
mixed shrubs



( 1 ) spring snow crab apple  
5': 1½" - 2" caliper

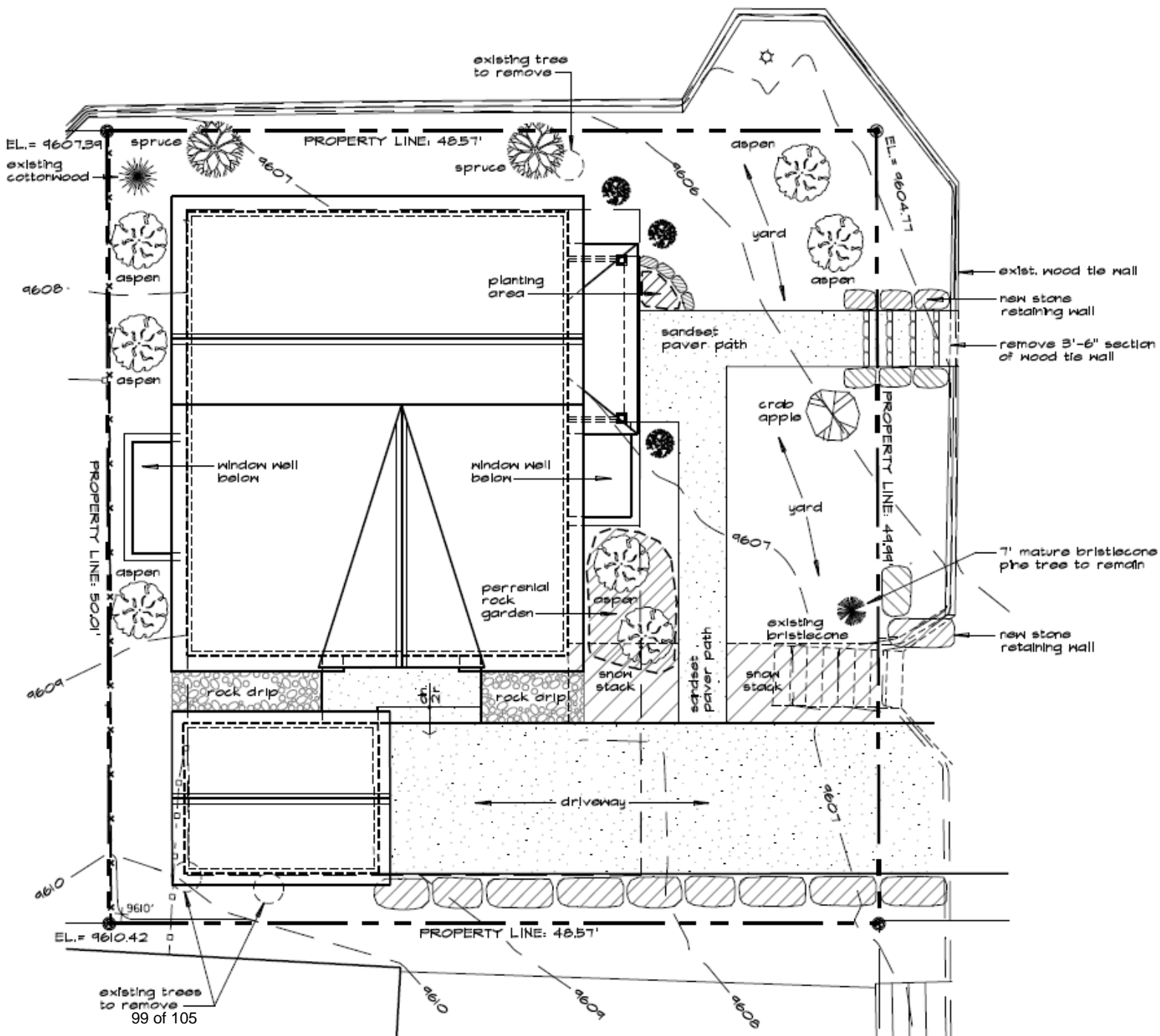
small planting bed  
( rock garden and  
perennial bed's )



slloam stone  
terraced walls



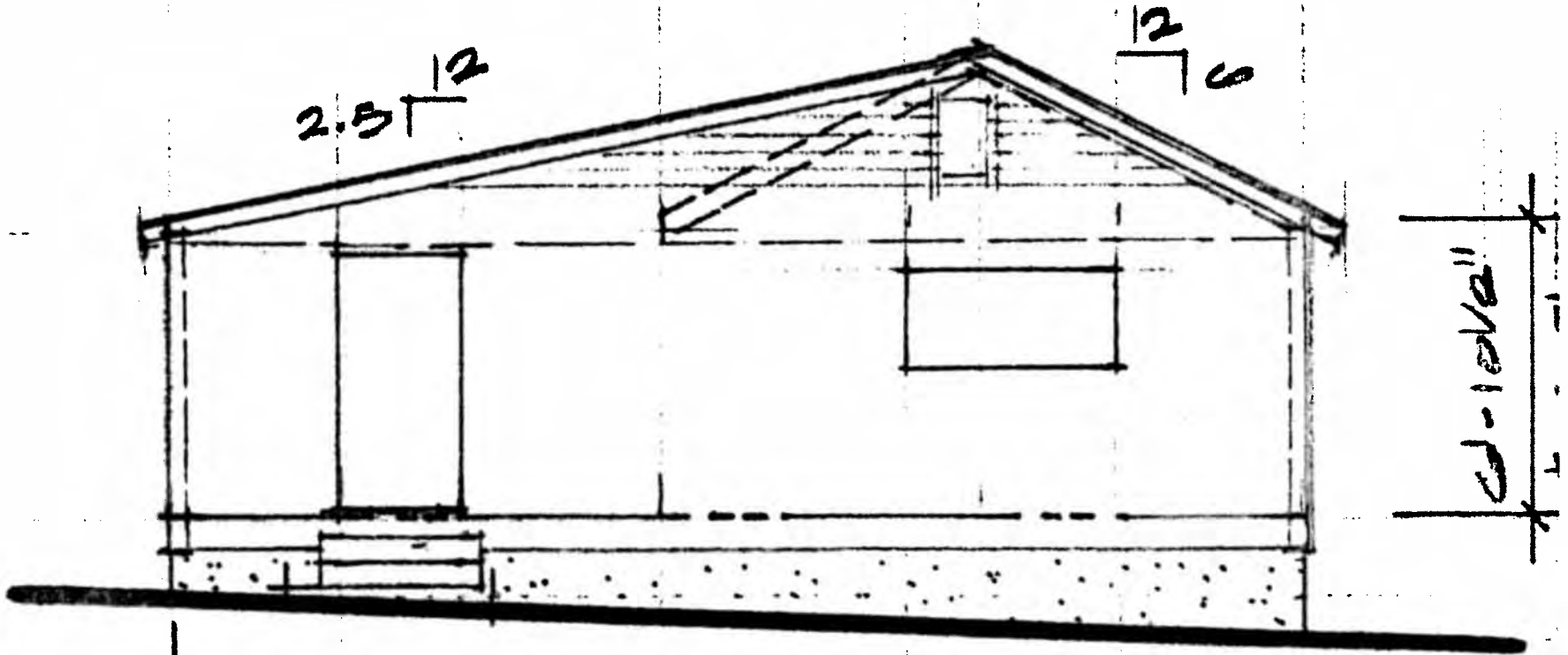
( 7 ) multi-stem aspen  
1½" - caliper



213 E. WASHINGTON AVE.

A9 - BUILTS

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



EAST ELEVATION

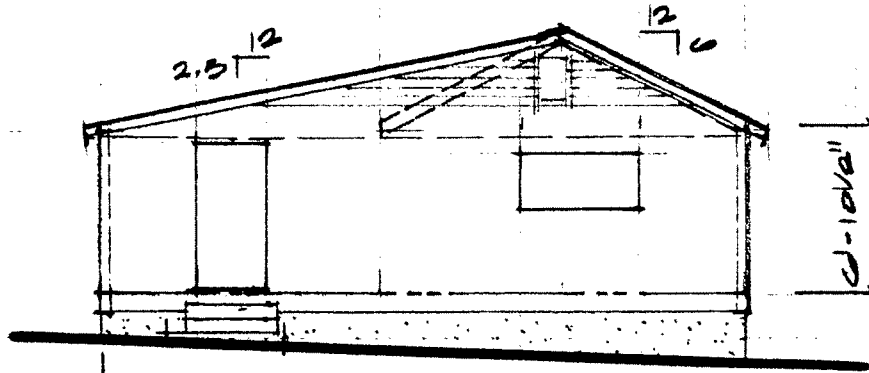
23'-0"

EXISTING

213 E. WASHINGTON AVE.

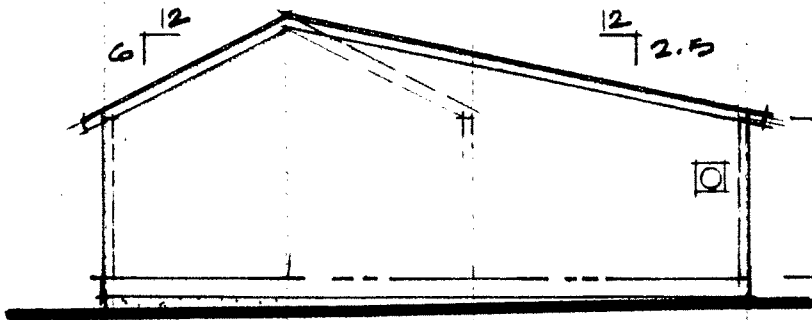
AS-BUILT

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

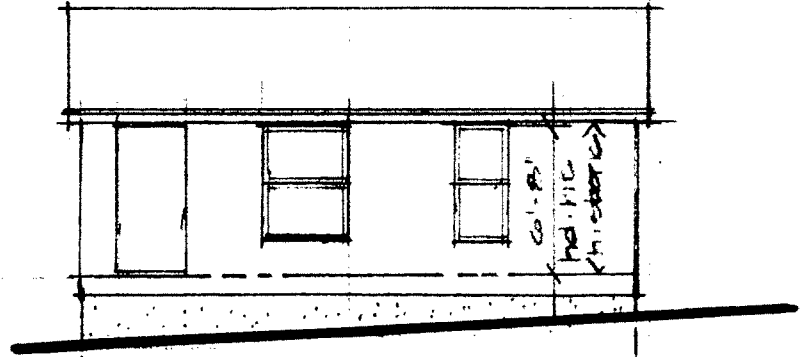


EAST ELEVATION

28'-0"

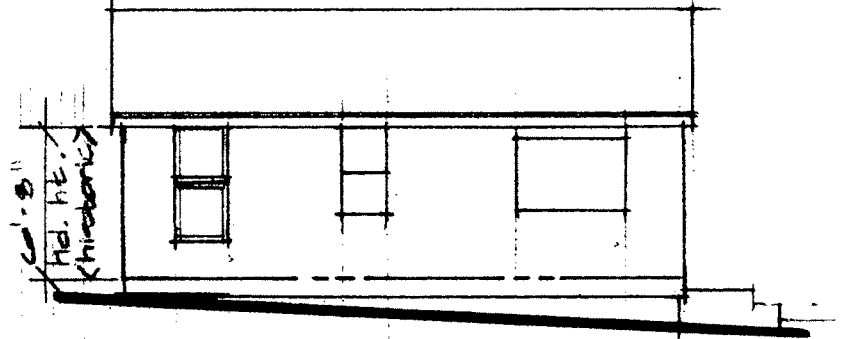


WEST ELEVATION



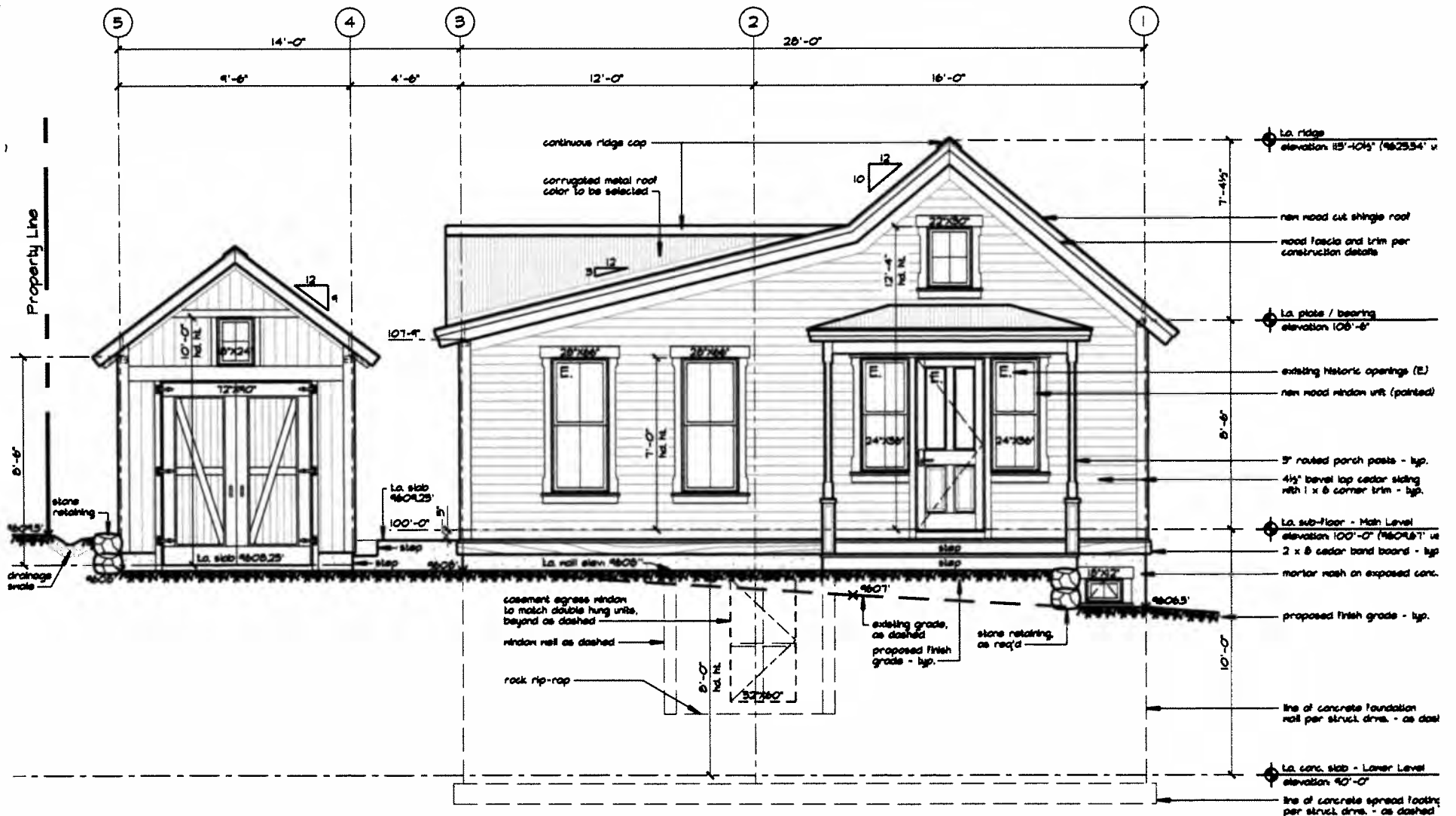
NORTH ELEVATION

24'-0"



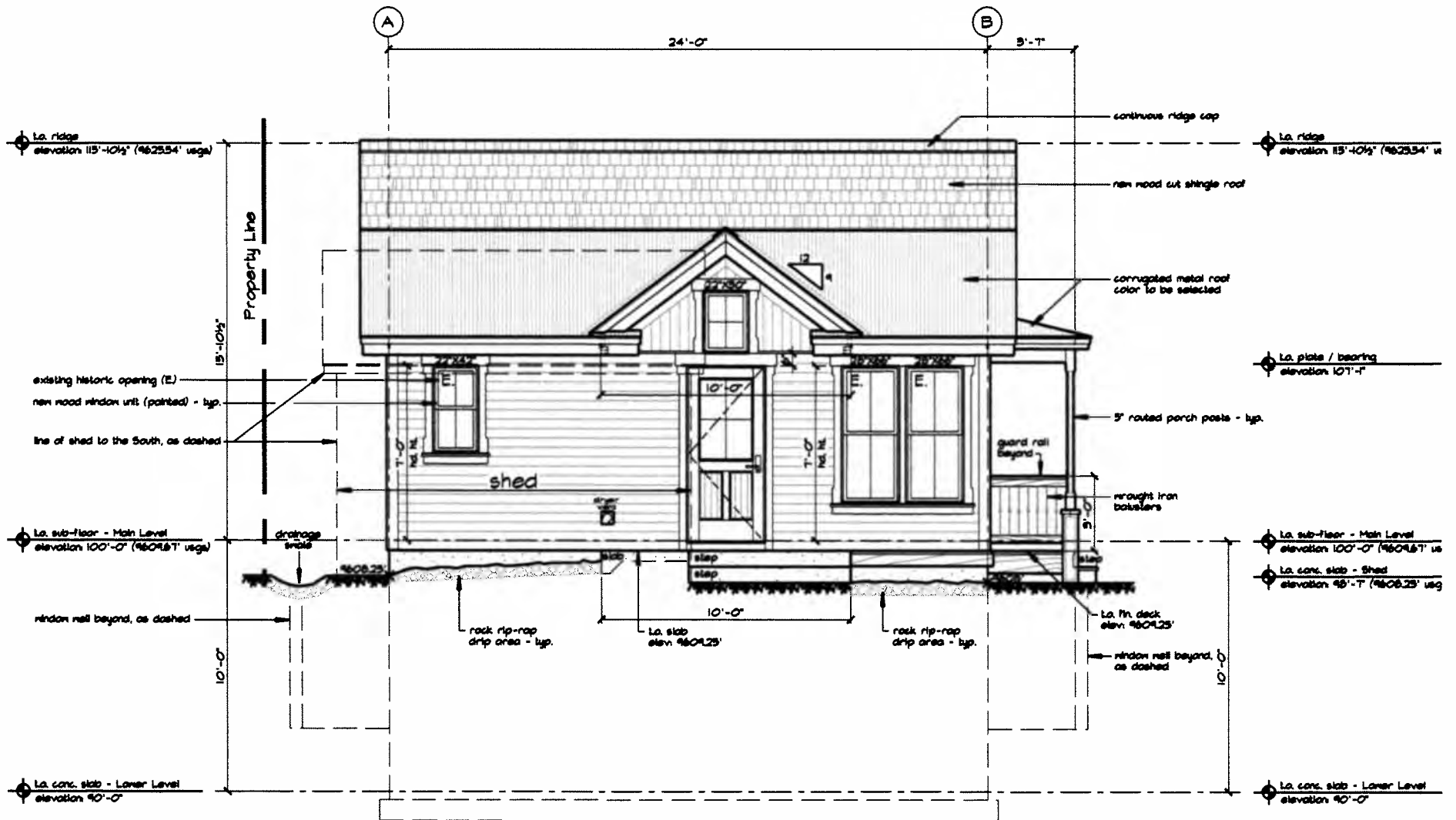
SOUTH ELEVATION

EXISTING



1  
A-3

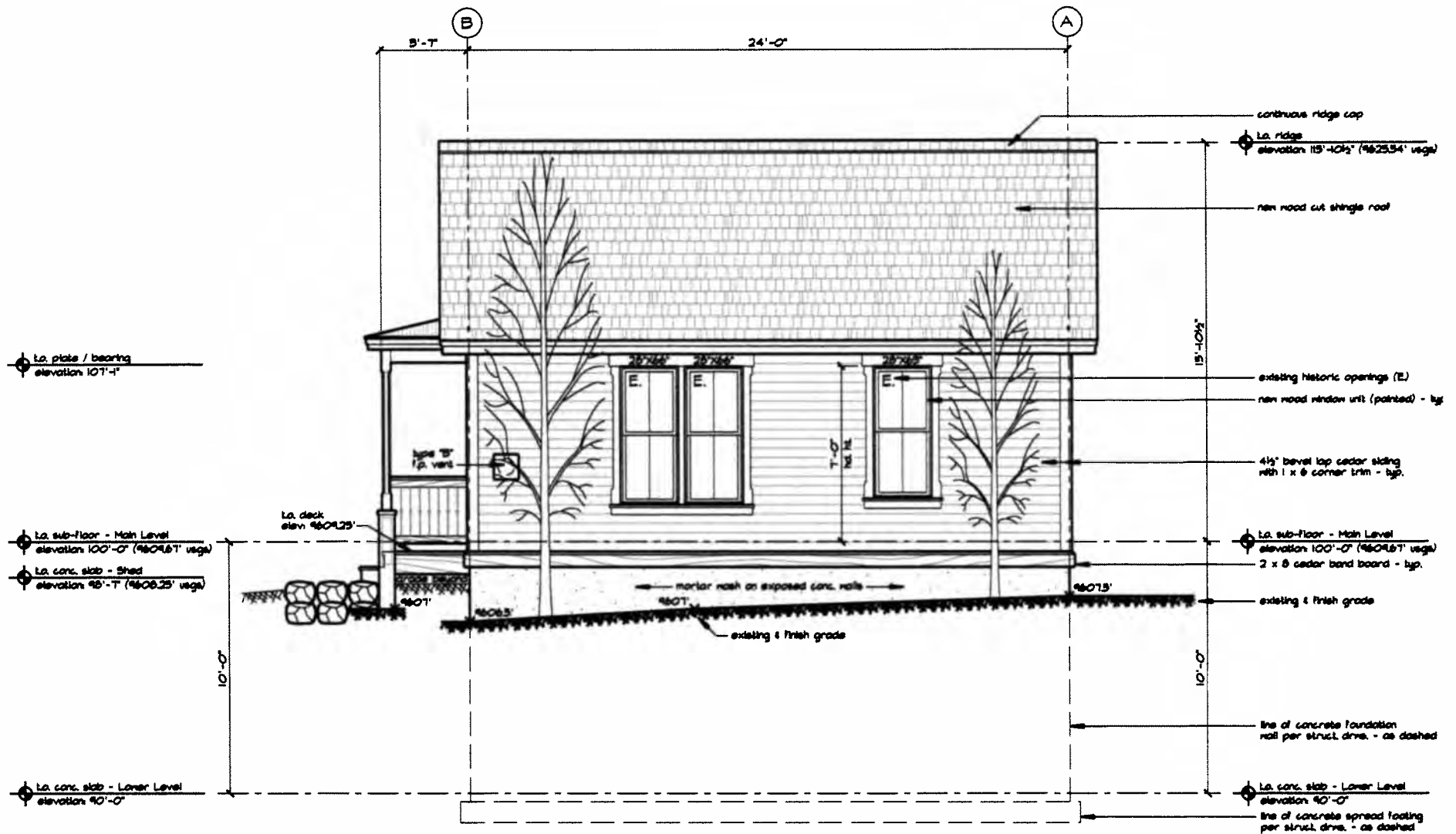
**East Elevation**  
Scale: 1/4" = 1'-0"



2  
A-B


## South Elevation

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

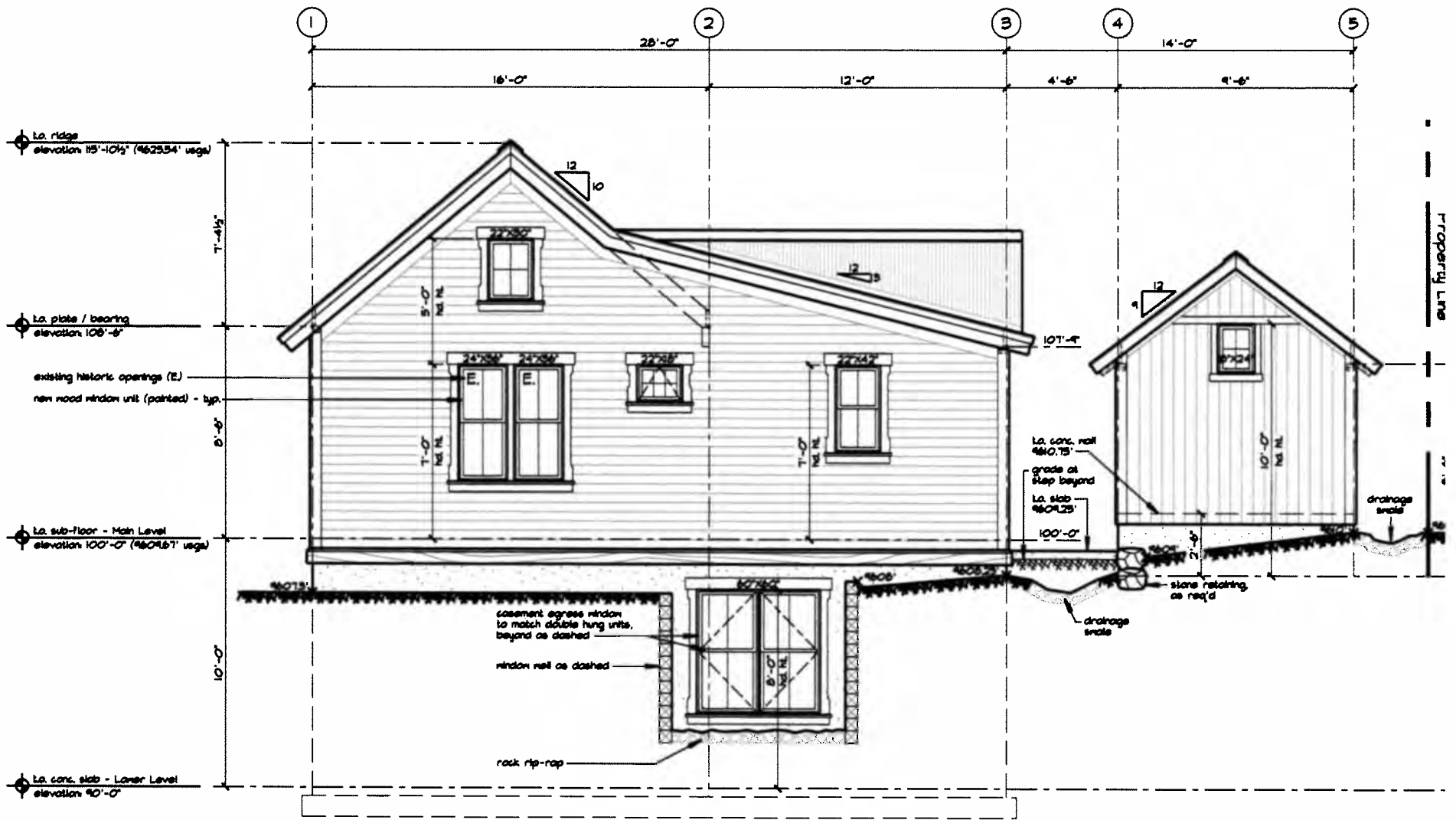


9  
A-B


### North Elevation

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





4  
A-B

**West Elevation**  
 Scale: 1/4" = 1'-0"