

**Town of Breckenridge**  
**Planning Commission Agenda**  
Tuesday, December 7, 2010  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>7:00</b>	<b><i>Call to Order of the December 7, 2010 Planning Commission Meeting; 7:00 p.m. Roll Call</i></b>	
	<b><i>Approval of Minutes November 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. Wellington Neighborhood Lot 1A, Block 9 Single Family Home (MM) PC#2010059 12 Leap Frog Green	<b>13</b>
	2. Wellington Neighborhood Lot 1B, Block 9 Single Family Home (MM) PC#2010066 14 Leap Frog Green	<b>15</b>
	3. Wellington Neighborhood Lot 2, Block 9 Single Family Home (MM) PC#2010067 24 Leap Frog Green	<b>17</b>
	4. Bear Claw Court Change of Use (MM) PC#2010065 217-A South Ridge Street	<b>24</b>
	5. Garcia Muriel Residence (MGT) PC#2010063 83 Lomax Drive	<b>29</b>
	6. Dye Residence (MGT) PC#2010064 0625 Reiling Road (SCR 460)	<b>34</b>
	7. Murphy Residence (MGT) PC#2010062 525 Peerless Drive	<b>40</b>
<b>7:15</b>	<b><i>Preliminary Hearings</i></b>	
	1. Columbia Lode Master Plan 3 <sup>rd</sup> Preliminary (MM) PC#2010017 400 North Main Street	<b>46</b>
<b>8:25</b>	<b><i>Combined Hearings</i></b>	<b>63</b>
	1. Shock Hill Lodge Permit Extension, Tract C, Shock Hill (CN) PC#2010069 200 Shock Hill Drive	<b>68</b>
	2. Shock Hill Lodge Permit Extension, Tract E, Shock Hill (CN) PC#2010068 260 Shock Hill Drive	<b>101</b>
<b>9:45</b>	<b><i>Other Matters</i></b>	
	1. Saving Places Historic Preservation Conference (CN)	
<b>10:00</b>	<b><i>Adjournment</i></b>	

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

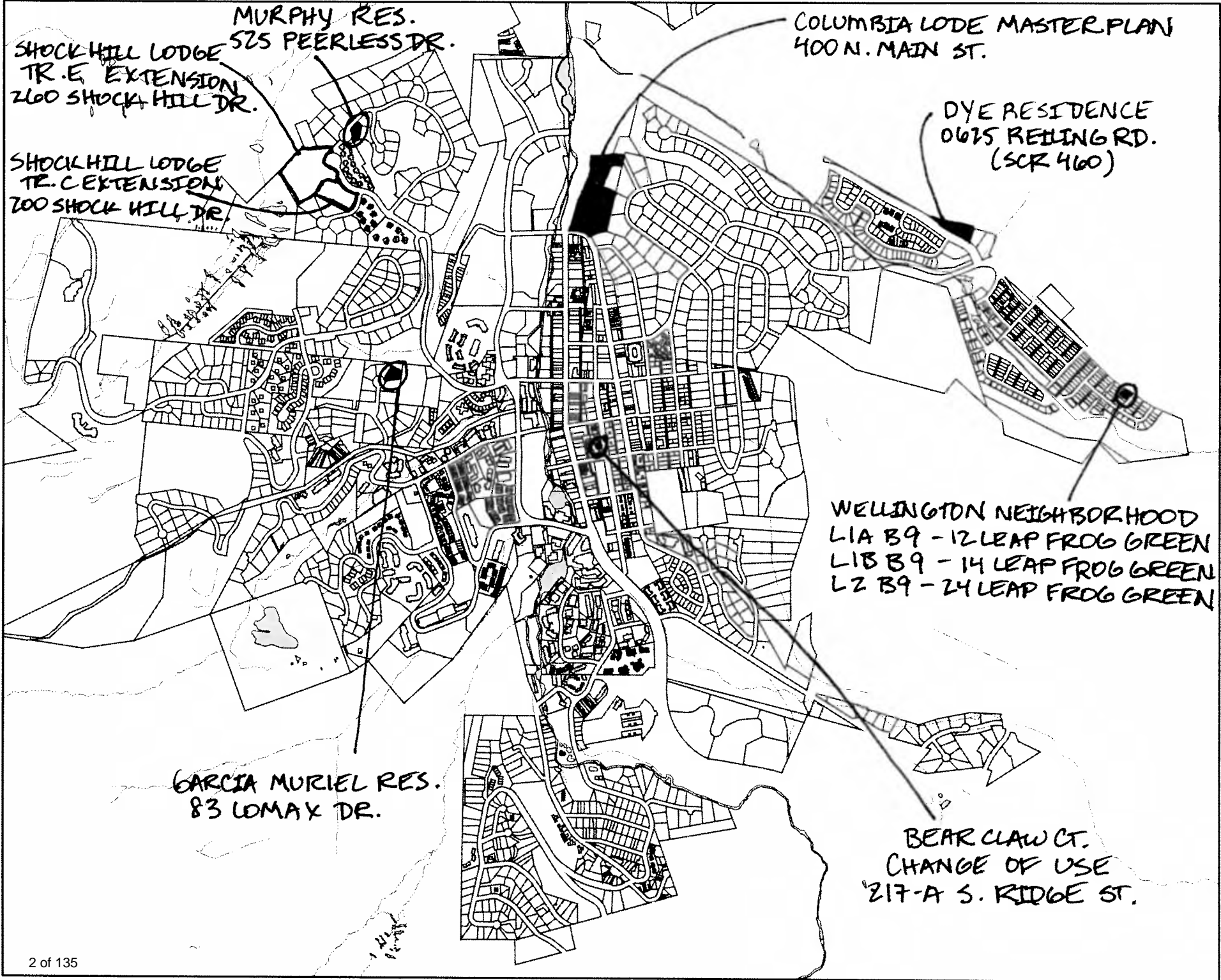
*\*The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.*



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Breckenridge South

printed 2007



PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 p.m.

ROLL CALL

Dan Schroder                      Jack Wolfe                      Rodney Allen  
Trip Butler                      Kate Christopher              Gretchen Dudney  
Dave Pringle (arrived at 8:39pm)  
Mr. Burke was absent.

APPROVAL OF MINUTES

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

APPROVAL OF AGENDA

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

**CONSENT CALENDAR:**

1. Schauder Residence Addition (MGT) PC#2010058, 87 Sunrise Point Drive

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

**WORKSESSIONS:**

- 1) Non-Natural Materials (CN)

Mr. Neubecker presented. The Town Council recently directed the staff to research the existing policy on the use of non-natural siding materials on buildings. This was in response to a citizen speaking to the Council during the Citizen’s Comments period of one of their meetings this past summer. The Council indicated that it was time for the Town to reconsider its policy of assigning negative points, specifically as it relates to the use of fiber-cement siding (the industry term) outside the Conservation District. (The Council did not review the policy in detail, nor did it review samples of the products.) The use of non-natural materials is currently discouraged in the Breckenridge Development Code through the assignment of negative points for projects outside the Conservation District, when non-natural materials exceed 25% per side. (Note that the code does not specifically mention fiber-cement siding, but its application has been compared to stucco, and points have been similarly assigned based on the amount of material applied to a building’s elevation.) We have received many inquiries in the past into the use materials such as Hardi-board (James Hardy Siding), CertainTeed fiber-cement siding, and other “cementicious” siding products. These products can be designed to look like wood products, and manufactures claim that they have lower maintenance costs, contain some recycled content, and are much more fire resistant. As a result, many architects, developers and property owners prefer to use these products, rather than cedar or other natural wood products.

Staff provided samples of fiber-cement siding from James Hardy and CertainTeed companies and introduced a representative from James Hardy Inc.

A few suggestions on how we could move forward on this policy include:

- Reduce the amount of negative points for the use of fiber-cement and other non-natural materials.
- Increase the allowed area (from 25% to 50%) before negative points are assigned.
- Remove the negative points altogether, recognizing the durability and improved safety of this material.

Staff welcomed the Commission’s input on these ideas.

1. Does the Commission believe that fiber-cement siding looks “natural”?
2. Does the Commission believe that negative points should still be assigned?
3. Should negative points be removed, or reduced, for the use of fiber-cement siding?

*Commissioner Questions / Comments:*

Mr. Schroder: I don’t feel we need to assign negative points to cementicious siding. They can already do 100% non-natural siding, but it will get negative points. I support the 3<sup>rd</sup> bullet (removing negative points).

- Ms. Christopher: Cementitious should be the focus. Maybe add stucco also. I prefer only wood grain finish. Likes use of safer product - wants it to look natural. Maybe loosen rules, but still assign some negative points when exceeding by 50% (or some other percentage) non-natural. A portion of the house should be natural materials - not 100% non-natural. Using natural stone on bottom and fiber cement siding above that would be ok.
- Ms. Dudney: Any special protection required for workers to install? (Mr. Dustin Stephens, Representative from James Hardy Siding: Don't want to be in an enclosed area—need proper ventilation.) Particularly interesting to condo projects because of low maintenance costs? (Mr. Stephens: Depends on products - biggest benefit is the 30 year warranty.) Not bullet #3 - maybe don't remove negative points altogether but go more with a "natural looking" test. Non-natural trim material doesn't look as good. Besides, the architects like using some wood on the building. Removing all the negative points could have unintended consequences.
- Mr. Wolfe: Are there different grains in Hardie board? (Mr. Neubecker: Maybe write to say it has a wood grain finish.) Wouldn't there still be wood trim? (Mr. Matthew Stais, Local Architect: 40 feet above ground Fire Department requires either fire-treated or composite for everything - trim, etc. On lower sections we like to go with wood trim. Wood trim easier to work with than nailing small pieces of composite, and adds natural look.) Why would we apply a percentage to it at all? Treat cementitious as wood. Should not be smooth. If it looks like wood, then ok, then allow it anywhere, if it has a grain. But use some natural wood on trim.
- Mr. Butler: Cementitious good substitute for wood - would be okay with allowing 75 percent.
- Mr. Allen: What kind of maintenance is required? (Mr. Stephens: Warranty for substrate is 30 years and 15 years to repaint.) Don't need special paint - just an acrylic. Masonite not on table for discussion - out of date. Maybe outside Conservation District composite board should have to be stained as opposed to paint (save paint for Conservation District). Could be ok with cementitious siding if there was some natural rock. Okay with no negative points as long as it appears natural.

Mr. Allen opened the worksession to public comment.

Mr. Matt Stais (Architect): Lower cost to condo projects because less need for patching and prepping prior to repainting. Clients are almost always asking for the composite product - life cycle costs are lower. Generally higher installation cost but lower overall cost savings with maintenance over time. Fire safety is another important concern. Lots of outlying buildings have composite materials. Product is better in quality now and people are very comfortable with it. Perhaps don't define the grain of the product: new products will emerge. Has had requests from some clients to go 100% with cementitious. Would like option to use all fiber cement, including trim.

Darci Hughes (Architect): Very in favor of allowing this product - 30 year warranty helps. Environmentally friendly/recycled content and lower maintenance. Likes the existing language used in the Conservation District: "new materials that appear to be the same in scale and texture."

Clark Johnson (Builder): Supports use of product. We have a home built 10 years ago - wood siding especially on south side is cracking; wood deteriorates over time whereas composite is more durable. Many builders in County are using product with success.

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

Mr. Neubecker: We could write in code "a stained, rougher look" outside the Conservation District.

Commission as a whole: Like cementations product. Needs to look like wood outside the district. Agree with removing all negative points (most favor) - Ms. Kate Christopher is also okay as long as it appears like wood. Trim ok.

## 2) Temporary Vendor Carts (CN/MFT)

Mr. Neubecker presented. Staff has recently received many requests for temporary vendor cart permits. These are vendors selling food for immediate consumption from a small cart, wagon or booth. In addition, staff has also received requests for mobile vendor trucks. In some cases, vendors propose to travel from one construction site to another to sell their food. In other cases, vendors have proposed to serve food from a truck parked along Main

Street, or other locations within the downtown core. Staff has approved at least two vendor trucks for sales at various construction sites, but the applicants are operating primarily on private property, and are required to obtain permission from the property owner or general contractor.

Staff is finding that the current regulations for temporary vendor carts are vague and do not address all of the requests we are receiving. We would like to discuss possible modifications to these policies with the Planning Commission. Some of the questions/concerns include:

- Should the definition of a “temporary vendor cart” be modified?
- Should temporary vendor carts count as density?
- Should vendor carts be allowed to connect to utilities such as water, sewer and electric?
- Where should vendor carts be located on a lot? In the front yard? On the lawn?
- Should vendor carts be required to meet the Handbook of Design Standards for the Historic and Conservation Districts?
- Should there be different standards for vendor carts outside of the Conservation District?
- Should the vendor carts be required to meet paint colors per Policy 5 (Absolute) Architectural Compatibility?

#### Mobile Food Trucks

- Should mobile food trucks be allowed in town? If so, where?
- Should they be allowed to park on a public street, and sell to pedestrians on the sidewalk? Does it make a difference if they operate only late at night, when most restaurants are closed and there is plenty of parking?
- What design standards, if any, should be required for food trucks?

Staff provided photos and examples of some of the carts in operation locally as well as the food trucks operating in Portland, Oregon.

Staff finds that temporary vendor carts, and even mobile food carts, can add character and animation to the sidewalk, and provide an additional dining option for guests and locals. Crêpes à la Cart is a great example of a unique business that is wildly popular, especially in the evening. But we understand that preserving the character of the community is important. Staff welcomed Commissioner feedback on these issues, which staff will bring to Town Council for their input.

#### *Commissioner Questions / Comments:*

- Mr. Schroder: Where are they allowed? (Mr. Neubecker: Code says they need permission from private property owner.) Doesn't agree on public - only on private property.
- Ms. Christopher: Are mobile trucks hooked up to power? (Tara Griffith, Food Vendor Truck Potential Applicant: Some are connected to water and electricity, but required to be mobile in Portland, OR.) Would like to exclude “booths”. Mobile food truck is different animal than mobile cart. Charge density for more permanent vendors. Time of day - don't park in our Town parking spots during day but ok at some identified locations at night time. Moving every three hours would be good.
- Ms. Dudney: Do temporary vendors have to go through a whole development review? Big difference between on private property and on public property. (Mr. Neubecker: With public property we're primarily talking about mobile vending trucks.) They should count as density: does not think a cart should be allowed on property that is already maxed out with density. Trucks: lots of problems in Washington DC with trash, underhanded activities to acquire locations; need to make sure nearby merchants will be in favor.
- Mr. Wolfe: Can't have one definition that fits all the different types of vendors. Ok with larger cart/truck depending on location - don't wedge it into a small area. Needs some type of fit test - circulation around it, etc.
- Mr. Pringle: We're going to see more of this. Does add to vitality but need to be careful. Use as a guide - it needs to be something that can be picked up and moved - not something that appears more permanent structure. Look at Portland how they allow. How about no structure added on and no outdoor seating? We should limit the addition of structures around and attached to vendor carts

and trucks. Temporary permit maybe renewed every six months or year. These larger trucks are mobile restaurants. Only allow them in larger areas - don't wedge them in. Less concerned about food trucks, because they are temporary.

Mr. Allen: Agrees temporary, if it can be moved, is okay. Doesn't like seeing the more permanent looking vendor buildings everywhere in the Historic District. They should count as density. More okay with mobile ones. Should we separate a trailer that is moved vs. one that stays in the same place all the time? Doesn't like to see these things sitting somewhere for a long time. Concerned about more permanent type carts devaluing the historic district. Council decision to allow on public property.

Commission in General: Not so worried about it being moved every night, but that it could be moved as opposed to appearing permanent. Eliminate "booth" language - don't like more permanent structure/booth. Generally wants to see the vitality downtown. Limit additional structures/add-ons. Location - leave up to applicant to propose location. If rolls away at night, it's not density, but if it stays there for a long time it is density. Don't have same concerns outside Conservation District, but don't like the permanent looking structure. Temporary roll away they don't care what it looks like. Same lighting standards apply to carts that stay longer than a day. Trucks: all Commissioners are against them locating on public property, but Ms. Dudney, Mr. Allen and Ms. Christopher might be okay with that late in the evening. Make them Class Cs so Planning Commission has opportunity to review/call up. No design standards for things that drive away every night. If they hang around for long time without moving, then we may need some design standards for these.

Mobile Food Trucks:

Mr. Wolfe: Is cart before the horse? Example, at 320 South, request is to use a parking space, but that's a Council question. There are other ways to get food, not on public land.

Mr. Allen opened the worksession to public comment.

Ms. Griffith: Wants a mobile food vending cart/truck. Very popular in big cities like Portland (over 400 vendor carts/trucks permitted there). Food truck is an attractive option, low cost for higher quality food served fast. All locally owned independent businesses - contributes to personality in the area. Some trucks going around Denver right now. Would like permission to locate on public property (i.e. parked outside 320 South Main, late at night). Town code now limits to 100 square feet in size: this creates problems for food preparation/cleaning. In Portland they must be shorter than 16' long, mobile, and located on private property. Request maximum square footage to be increased from 100 to 130 square feet and to be able to use public right of way. Trucks can do all food prep, etc. within them as opposed to preparation somewhere else. Carts adhere to same health standards as regular restaurants. Size is a huge limiting factor. Sink space and storage is an issue.

Mrs. Patty Theobald: Loves the hot dog cart they have on their property. Put some personality back into community. Purchases at food carts are impulse buys. Promotes retail sales and additional sales tax revenues. Food carts are all over the country and the world. There are no fast food options in town. Food is prepared somewhere else (commissary) where they have sinks, water, etc., and where water tap fees are paid. Carts don't need to be hooked up to water. Don't require it to look historic with siding, etc. Town allowing carts/trucks rent free would compete with private property.

Mr. Robin Theobald: Vendors also need an off-site commissary to prepare food. It's a different market than sit-down restaurants. (Mr. Thompson: Crêpes à la Carte is hooked up to water, sewer, etc. We are getting almost one person a week requesting some type of vendor cart in Planning Department lately. We need to look at allowing employees to keep warm (enclosed) in order to keep successful.) (Mr. Neubecker: How far do we go in regulating: would we require siding on a cart to be architecturally compatible?)

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

### 3) Energy Policy (JP)

Ms. Puester presented. This is the seventh worksession on revising the existing Policy 33R *Energy Conservation*. While this relative policy has been in place for many years, the actual amount of energy conservation or production

of energy has not typically been measurable, making it difficult to determine how much energy is being saved or produced and therefore, how many points are assigned. To remedy this, staff proposes the use of a HERS (Home Energy Rating System) score as it is a universal calculation created by certified raters. The results are calculated and measurable. For commercial and multi-family buildings, a percentage above the IECC would correspond similarly to the HERS score.

Staff presented a draft policy with changes shown based on Planning Commission comments from the October 19<sup>th</sup> meeting. The primary changes are:

- Defined “large water feature” to include wattage amount.
- Increased positive points and reduced required HERS score and percentage above IECC to get points.
- Removed “deconstruction” section. (This is addressed in detail in the Sustainable Building Code-section.)
- Limited negative points for outdoor gas fireplace or fire pits to apply only to commercial or common space residential developments.
- Altered wording regarding “in perpetuity”.

Staff would like to get Commissioner comments on the proposed changes to Policy 33R. If the Commission is comfortable with the policy as drafted, staff would like direction to proceed to the Town Council.

*Commissioner Questions / Comments:*

- Mr. Schroder: Happy with the policy as written and data presented. Wants to see water features quantified - likes wattage, leave as presented. Likes HERS tables/points as presented. Agrees with removing deconstruction section. Supports altering wording to remove ‘in perpetuity’.
- Ms. Christopher: Why use HERS score instead of HERS index? (Mr. Neubecker: We’ll verify that we are using the correct term.) (Ms. Puester: The score is what the industry uses.) Agree with policy as proposed. Agree with staff that it needs to change with time as technology evolves.
- Ms. Dudney: Why negative points for heated driveways and sidewalks, etc? What if someone is in a handicapped or elderly and needs to have a heated area? (Mr. Neubecker: The policy is the rule, if there is an exception such as that, we have the option to waive the requirements.) Agree with taking out deconstruction section as it belongs in the building code. Agree with negative points for outdoor fireplaces as presented. Doesn’t have other comments as this is the first time that she has been exposed to this policy.
- Mr. Wolfe: Requested explanation on the background of why we are looking at this policy. Council directed based on sustainability objectives? (Ms. Puester: In part; however, it was also requested by Planning Commission as a means to quantify increased energy efficiencies on applications that had been coming forward.) (Mr. Truckey: The Planning Commission had concerns with how to assess positive points for what percentage of energy savings and asked staff and Council to look at a more measurable method.) Like IECC on commercial side. Start out easy with policy and then can make it harder later, if needed. If we find points are too easy, then maybe we ratchet down some. Don’t regulate water features, would prefer that they are taken out. They are rare. Deconstruction out, agreed. Supports the points as presented. Supports negative points for fireplaces in common space residential and commercial. OK with “perpetuity” language as proposed.
- Mr. Butler: Appreciates all work staff and Commission have put into this. Fairly new to him so will defer to other Commissioners. Overall, appears to make sense.
- Mr. Pringle: We shouldn’t be giving away a lot of points if things are too easy to reach. Agrees taking out deconstruction. Did like the quantitative measure of watts for water features, not sure if it should be in here or somewhere else in a code. There will be a lot more hot tubs than water features and we’re not regulating them. How do we make sure someone that gets positive points doesn’t change things out later? Still has a philosophical issue with this. Also, has an issue with an evolving code; points that could move around and an issue with positive one (+1) point for obtaining a HERS score. (Ms. Puester: The thought is that if people obtain a score, no matter what it is, it is a good educational tool for the owner and future improvements.)
- Mr. Allen: Why not use wattage for water features? (Ms. Puester: We may want to stay more flexible to consider it on a case-by-case basis since we do not see water features on a regular basis.) We are there. Supports policy now, when it started did not support it all but it has come far. Prefers

getting rid of water features in the policy or if necessary going with wattage standards as proposed. Supports the HERS point system as proposed.

Mr. Allen opened the worksession to public comment.

Mr. Stais: HERS will be very easy to administer. Like the positive nine (+9) points. Happy that the Town is looking at aggressively encouraging energy conservation. Supports the policy.

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

***TOWN COUNCIL REPORT:***

Mr. Allen: The Village at Breckenridge master sign plan variance application was called up by Council and will be subject to a “de novo” hearing at an upcoming Council meeting.

***CLASS D COURTESY REVIEW:***

1) Town of Breckenridge PPA Solar Project (CN)

Mr. Neubecker presented. Town is proposing to install photo-voltaic solar panels on several Town-owned buildings and properties. The installation will be done according to a Power Purchasing Agreement, with RSBF Breckenridge I, LLC (RSBF) contracting with Vibrant Solar for the installation of the panels, and the Town receiving electricity at a significantly reduced rate. This is a courtesy review for the Commission, and to allow public comment. Staff will process these applications as Class D development permits.

Locations:

Steven C. West Ice Arena, 107 Boreas Pass Road, Roof Mounted  
Fleet Maintenance Building, 1107 Airport Road, Roof Mounted  
Ski Hill Pump #1, Tract F, Skyway Ridge Subdivision, Ground Mounted  
Ski Hill Pump #2, 247 Timber Trail Road, Roof/Carport Mounted  
Recreation Center, 880 Airport Road, Roof Mounted  
Golf Course Main Irrigation Pump, Tiger Road, Ground Mounted  
Swan River Pump #1, Tiger Road, Ground Mounted (at Golf Course)  
Riverwalk Center, 150 W. Adams Avenue, Roof Mounted

The Planning Department will approve the Power Purchasing Agreement Solar Panel Project, PC#D-361. We will continue to research Ski Hill Pump #1, and will make a decision on this site at a later date.

***Commissioner Questions / Comments:***

Mr. Pringle: Regarding Ski Hill Pump #1, Planning Commission needs to understand the concerns. Wetlands, other concerns, thinks the Commission agrees that there are concerns with that site.

Mr. Allen: Doesn't think building on wetlands, in LUD, on open space (Ski Hill Pump #1) is appropriate.

All commissioners agree that the wetlands, environmental impacts of the Ski Hill Pump #1 site make it inappropriate for solar panel location. Okay with other sites.

***OTHER MATTERS:***

Mr. Allen: Concerned about putting multiple variances together in one vote. Perhaps in future we should have a straw poll and vote on variances separately.

Mr. Pringle: We should make motion to grant variances before making motion on point analysis.

***ADJOURNMENT:***

The meeting was adjourned at 11:05 p.m.

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Rodney Allen, Chair



## TOWN OF BRECKENRIDGE

### Standard Findings and Conditions for Class C Developments

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

#### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated December 2, 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 December 7, 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 June 13, 2012, 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 building/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.
12. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

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

13. Applicant shall submit proof of ownership of the project site.
14. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
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. 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.
17. 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.
18. 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.
19. 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.
20. The public access to the lot shall have an all weather surface, drainage facilities, and all utilities installed acceptable to Town Engineer. Fire protection shall be available to the building site by extension of the Town's

water system, including hydrants, prior to any construction with wood. In the event the water system is installed, but not functional, the Fire Marshall may allow wood construction with temporary facilities, subject to approval.

21. Applicant shall install construction fencing and erosion control measures at the 25-foot no-disturbance setback to streams and wetlands in a manner acceptable to the Town Engineer.
22. 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**

23. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
24. 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.
25. 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.
26. 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.
27. Applicant shall screen all utilities.
28. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
29. 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.
30. 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.
31. 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.**

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



**Class C Development Review Check List**

<b>Project Name/PC#:</b>	Lot 1A, Block 9, Wellington Neighborhood, Single Family Home	PC#2010059
<b>Project Manager:</b>	Michael Mosher - Planner III	
<b>Date of Report:</b>	December 1, 2010	December 7, 2010 Planning Commission Meeting
<b>Applicant/Owner:</b>	Poplar Wellington Inc.	
<b>Agent:</b>	Traditional Neighborhood Builders, Inc.	
<b>Proposed Use:</b>	Small Lot Single Family Home	
<b>Address:</b>	12 Leap Frog Green	
<b>Legal Description:</b>	Lot 1A, Block 9, Wellington Neighborhood 2	
<b>Site Area - (min. 3,500 SF):</b>	3,506 sq. ft.	0.08 acres
<b>Land Use District (2A/2R):</b>	16 - Residential/Commercial per Wellington Neighborhood Master Plan	
<b>Existing Site Conditions:</b>	The site is relatively flat, with a slope down from east to west of about 6%. The lot has been previously graded, with no significant vegetation.	
<b>Density and Mass</b>	<u>Allowed</u>	<u>Proposed</u>
<b>Density (3A/3R):</b>	Allowed: 2,250 sq. ft.	Proposed: 1,173 sq. ft.
<b>Mass (4R):</b>	Allowed: 2,700 sq. ft.	Proposed: 1,173 sq. ft.
<b>F.A.R.:</b>	1:2.99 FAR	
<b>Areas:</b>		
<b>Lower Level:</b>	0 sq. ft.	
<b>Main Level:</b>	650 sq. ft.	
<b>Upper Level:</b>	523 sq. ft.	
<b>Garage:</b>	0 sq. ft.	
<b>Total:</b>	1,173 sq. ft.	Note: master plan minimum is 1,172 sq. ft.
<b>Bedrooms:</b>	2	
<b>Bathrooms:</b>	1.5	
<b>Height (6A/6R):</b>	25 feet overall	22 feet to the mean
<b>Lot Coverage/Open Space (21R):</b>	<u>Area</u>	<u>Percentage</u>
<b>Building / non-Permeable:</b>	816 sq. ft.	23.27%
<b>Hard Surface / non-Permeable:</b>	500 sq. ft.	14.26%
<b>Open Space / Permeable:</b>	2,190 sq. ft.	62.47%
<b>Parking (18A/18/R):</b>		
<b>Required:</b>	2 spaces	
<b>Proposed:</b>	2 spaces	
<b>Snowstack (13A/13R):</b>		
<b>Required:</b>	125 sq. ft.	(25% of paved surfaces)
<b>Proposed:</b>	130 sq. ft.	(26.00% of paved surfaces)
<b>Fireplaces (30A/30R):</b>	0	
<b>Carriage House / Accessory Apartment:</b>	N/A	
<b>Setbacks (9A/9R):</b>		
<b>Front:</b>	4 ft.	
<b>Side:</b>	9 ft.	
<b>Side:</b>	8 ft.	
<b>Rear:</b>	43 ft.	
<b>Architectural Compatibility (5A &amp; 5/R):</b>	The proposed home is similar to other models approved in this neighborhood. The design of the home is compatible with other homes in this subdivision, and meets the requirements of the Wellington Neighborhood Master Plan.	
<b>Exterior Materials:</b>	Hardboard siding with 5" +/- reveal in "Tobacco Red", hardboard window trim in "Burberry beige", 2x6 cedar window header trim.	
<b>Roof:</b>	Asphalt pewter gray shingles	
<b>Garage Doors:</b>	No garage with this application	

<b>Landscaping (22A/22R):</b>	No landscaping is proposed with this application. The landscaping was reviewed with the subdivision.
<b>Drainage (27A/27R):</b>	Positive drainage is proposed away from the home.
<b>Point Analysis (Sec. 9-1-17-3):</b>	All applicable Master Plan policies have been met with this application. Staff conducted an informal point analysis and found all the Absolute Policies of the Development Code to be met, and no reason to assign positive or negative points to this project under any Relative policies.
<b>Staff Action:</b>	Staff has approved the Single Family Home located at 12 Leap Frog Green, Lot 1A, Block 9, Wellington Phase 2 with standard findings and conditions.
<b>Comments:</b>	None
<b>Additional Conditions of Approval:</b>	None



**Class C Development Review Check List**

<b>Project Name/PC#:</b>	Lot 1B, Block 9, Wellington Neighborhood, Single Family Home	PC#2010066
<b>Project Manager:</b>	Michael Mosher - Planner III	
<b>Date of Report:</b>	December 1, 2010	December 7, 2010 Planning Commission Meeting
<b>Applicant/Owner:</b>	Poplar Wellington Inc.	
<b>Agent:</b>	Traditional Neighborhood Builders, Inc.	
<b>Proposed Use:</b>	Small Lot Single Family Home	
<b>Address:</b>	14 Leap Frog Green	
<b>Legal Description:</b>	Lot 1B, Block 9, Wellington Neighborhood 2	
<b>Site Area - (min. 3,500 SF):</b>	3,561 sq. ft.	0.08 acres
<b>Land Use District (2A/2R):</b>	16 - Residential/Commercial per Wellington Neighborhood Master Plan	
<b>Existing Site Conditions:</b>	The site is relatively flat, with a slope down from east to west of about 6%. The lot has been previously graded, with no significant vegetation.	
<b>Density and Mass</b>	<u>Allowed</u>	<u>Proposed</u>
<b>Density (3A/3R):</b>	Allowed: 2,250 sq. ft.	Proposed: 1,250 sq. ft.
<b>Mass (4R):</b>	Allowed: 2,700 sq. ft.	Proposed: 1,250 sq. ft.
<b>F.A.R.:</b>	1:2.85 FAR	
<b>Areas:</b>		
<b>Lower Level:</b>	0 sq. ft.	
<b>Main Level:</b>	820 sq. ft.	
<b>Upper Level:</b>	430 sq. ft.	
<b>Garage:</b>	0 sq. ft.	
<b>Total:</b>	1,250 sq. ft.	Note: master plan minimum is 1,172 sq. ft.
<b>Bedrooms:</b>	3	
<b>Bathrooms:</b>	2	
<b>Height (6A/6R):</b>	26 feet overall	22 feet to the mean
<b>Lot Coverage/Open Space (21R):</b>	<u>Area</u>	<u>Percentage</u>
<b>Building / non-Permeable:</b>	936 sq. ft.	26.28%
<b>Hard Surface / non-Permeable:</b>	500 sq. ft.	14.04%
<b>Open Space / Permeable:</b>	2,125 sq. ft.	59.67%
<b>Parking (18A/18R):</b>		
<b>Required:</b>	2 spaces	
<b>Proposed:</b>	2 spaces	
<b>Snowstack (13A/13R):</b>		
<b>Required:</b>	125 sq. ft.	(25% of paved surfaces)
<b>Proposed:</b>	130 sq. ft.	(26.00% of paved surfaces)
<b>Fireplaces (30A/30R):</b>	0	
<b>Carriage House / Accessory Apartment:</b>	N/A	
<b>Setbacks (9A/9R):</b>		
<b>Front:</b>	5 ft.	
<b>Side:</b>	4 ft.	
<b>Side:</b>	8 ft.	
<b>Rear:</b>	54 ft.	
<b>Architectural Compatibility (5/A &amp; 5/R):</b>	The proposed home is similar to other models approved in this neighborhood. The design of the home is compatible with other homes in this subdivision, and meets the requirements of the Wellington Neighborhood Master Plan.	
<b>Exterior Materials:</b>	Hardboard siding with 5"+/- reveal in "Wine-stain", hardboard window trim in "Burberry beige", 2x6 cedar window header trim.	
<b>Roof:</b>	Asphalt pewter gray shingles	
<b>Garage Doors:</b>	No garage with this application	

<b>Landscaping (22A/22R):</b>	No landscaping is proposed with this application. The landscaping was reviewed with the subdivision.
<b>Drainage (27A/27R):</b>	Positive drainage is proposed away from the home.
<b>Point Analysis (Sec. 9-1-17-3):</b>	All applicable Master Plan policies have been met with this application. Staff conducted an informal point analysis and found all the Absolute Policies of the Development Code to be met, and no reason to assign positive or negative points to this project under any Relative policies.
<b>Staff Action:</b>	Staff has approved the Single Family Home located at 14 Leap Frog Green, Lot 1B, Block 9, Wellington Phase 2 with standard findings and conditions.
<b>Comments:</b>	None
<b>Additional Conditions of Approval:</b>	None

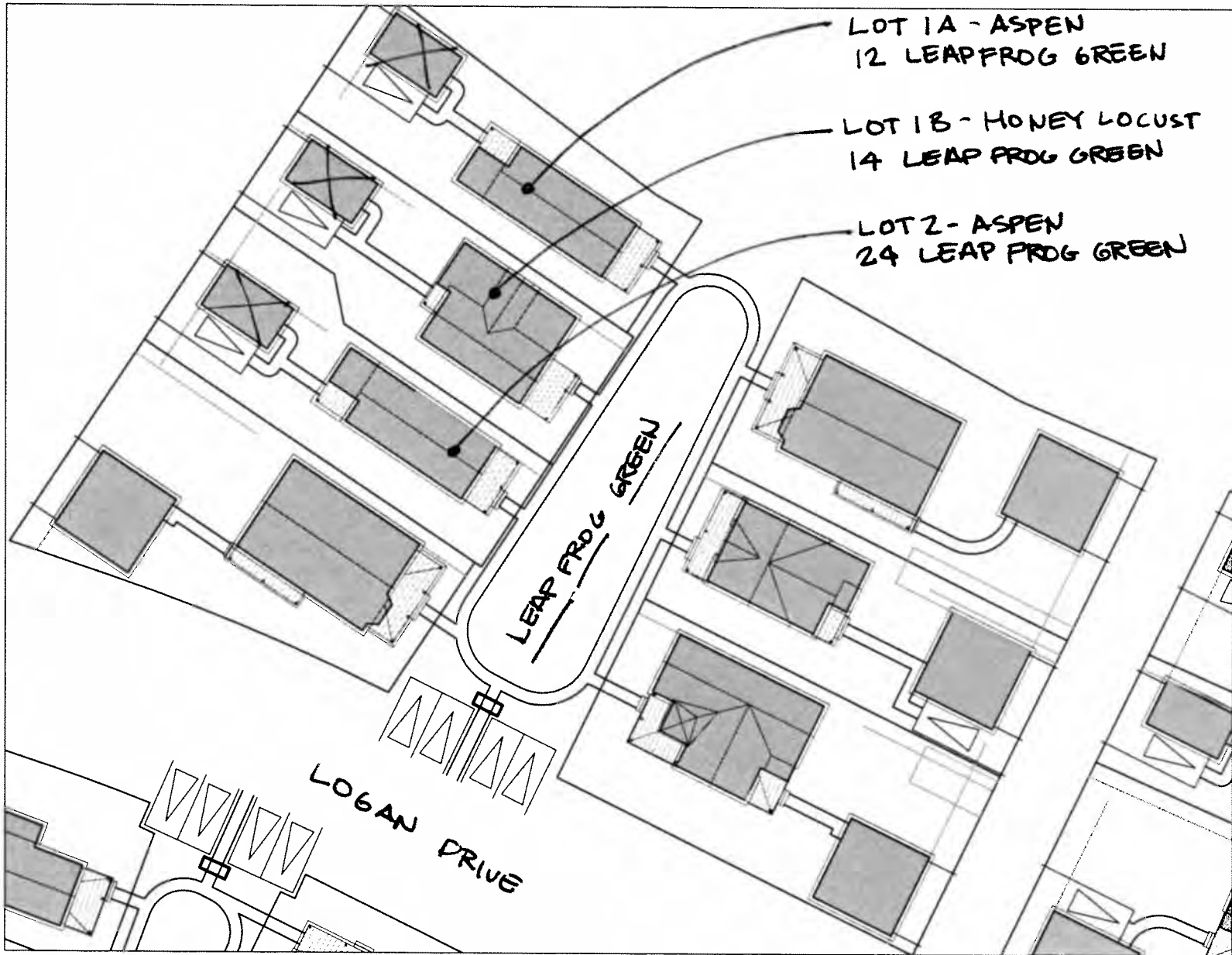




**Class C Development Review Check List**

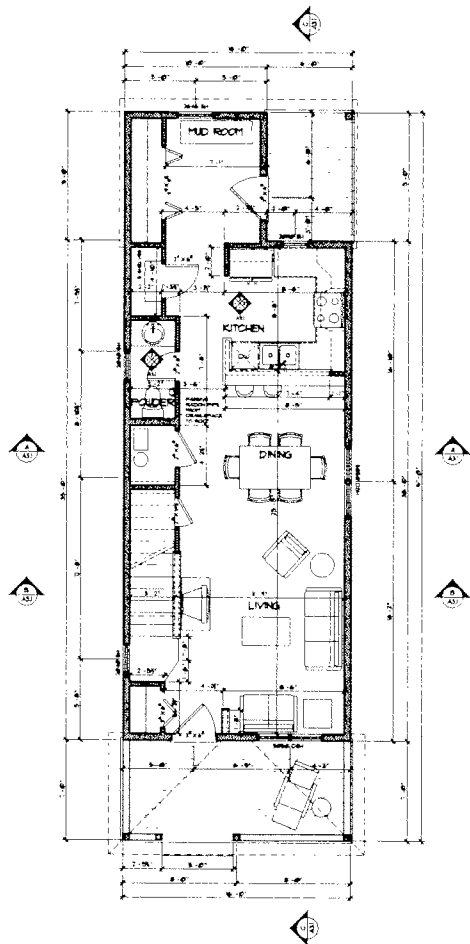
<b>Project Name/PC#:</b>	Lot 2, Block 9, Wellington Neighborhood, Single Family Home	PC#2010067
<b>Project Manager:</b>	Michael Mosher - Planner III	
<b>Date of Report:</b>	December 1, 2010	December 7, 2010 Planning Commission Meeting
<b>Applicant/Owner:</b>	Poplar Wellington Inc.	
<b>Agent:</b>	Traditional Neighborhood Builders, Inc.	
<b>Proposed Use:</b>	Small Lot Single Family Home	
<b>Address:</b>	24 Leap Frog Green	
<b>Legal Description:</b>	Lot 2, Block 9, Wellington Neighborhood 2	
<b>Site Area - (min. 3,500 SF):</b>	3,503 sq. ft.	0.08 acres
<b>Land Use District (2A/2R):</b>	16 - Residential/Commercial per Wellington Neighborhood Master Plan	
<b>Existing Site Conditions:</b>	The site is relatively flat, with a slope down from east to west of about 6%. The lot has been previously graded, with no significant vegetation.	
<b>Density and Mass</b>	<u>Allowed</u>	<u>Proposed</u>
<b>Density (3A/3R):</b>	Allowed: 2,250 sq. ft.	Proposed: 1,173 sq. ft.
<b>Mass (4R):</b>	Allowed: 2,700 sq. ft.	Proposed: 1,173 sq. ft.
<b>F.A.R.:</b>	1:2.99 FAR	
<b>Areas:</b>		
<b>Lower Level:</b>	0 sq. ft.	
<b>Main Level:</b>	650 sq. ft.	
<b>Upper Level:</b>	523 sq. ft.	
<b>Garage:</b>	0 sq. ft.	
<b>Total:</b>	1,173 sq. ft.	Note: master plan minimum is 1,172 sq. ft.
<b>Bedrooms:</b>	2	
<b>Bathrooms:</b>	1.5	
<b>Height (6A/6R):</b>	25 feet overall	20 feet to the mean
<b>Lot Coverage/Open Space (21R):</b>	<u>Area</u>	<u>Percentage</u>
<b>Building / non-Permeable:</b>	816 sq. ft.	23.29%
<b>Hard Surface / non-Permeable:</b>	500 sq. ft.	14.27%
<b>Open Space / Permeable:</b>	2,187 sq. ft.	62.43%
<b>Parking (18A/18R):</b>		
<b>Required:</b>	2 spaces	
<b>Proposed:</b>	2 spaces	
<b>Snowstack (13A/13R):</b>		
<b>Required:</b>	125 sq. ft.	(25% of paved surfaces)
<b>Proposed:</b>	130 sq. ft.	(26.00% of paved surfaces)
<b>Fireplaces (30A/30R):</b>	0	
<b>Carriage House / Accessory Apartment:</b>	N/A	
<b>Setbacks (9A/9R):</b>		
<b>Front:</b>	4 ft.	
<b>Side:</b>	4 ft.	
<b>Side:</b>	12 ft.	
<b>Rear:</b>	43 ft.	
<b>Architectural Compatibility (5/A &amp; 5/R):</b>	The proposed home is similar to other models approved in this neighborhood. The design of the home is compatible with other homes in this subdivision, and meets the requirements of the Wellington Neighborhood Master Plan.	
<b>Exterior Materials:</b>	Hardboard siding with 5" +/- reveal in "Stucco Grey", hardboard window trim in "Burberry beige", 2x6 cedar window header trim.	
<b>Roof:</b>	Asphalt pewter gray shingles	
<b>Garage Doors:</b>	No garage with this application	

<b>Landscaping (22A/22R):</b>	No landscaping is proposed with this application. The landscaping was reviewed with the subdivision.
<b>Drainage (27A/27R):</b>	Positive drainage is proposed away from the home.
<b>Point Analysis (Sec. 9-1-17-3):</b>	All applicable Master Plan policies have been met with this application. Staff conducted an informal point analysis and found all the Absolute Policies of the Development Code to be met, and no reason to assign positive or negative points to this project under any Relative policies.
<b>Staff Action:</b>	Staff has approved the Single Family Home located at 24 Leap Frog Green, Lot 2, Block 9, Wellington Phase 2 with standard findings and conditions.
<b>Comments:</b>	None
<b>Additional Conditions of Approval:</b>	None

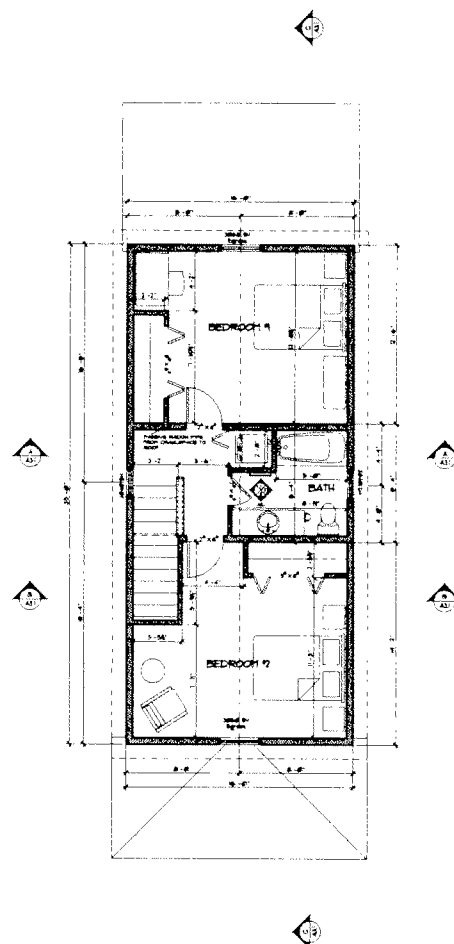


WELLINGTON NEIGHBORHOOD 3-SINGLE FAMILY HOMES

NORTH



**GROUND LEVEL PLAN**  
 Scale: 1/4"=1' (24"x 36" sheet) or 1/8"=1' (11"x 17" sheet)



**UPPER LEVEL PLAN**  
 Scale: 1/4"=1' (24"x 36" sheet) or 1/8"=1' (11"x 17" sheet)

Ground floor: 650 sf  
 Upper Floor: 523 sf  
 TOTAL: 1,173 sf

**WOLFF • LYON**  
**ARCHITECTS**

• WELLINGTON •  
 NEIGHBORHOOD  
 BRECKENRIDGE, COLORADO

CLIENT  
 POPULOUS INC.  
 1000 PEARL ST SUITE 200  
 BOULDER CO, COLORADO

ARCHITECT  
 WOLFF • LYON ARCHITECTS  
 100 PEARL STREET SUITE 200  
 BOULDER CO, COLORADO  
 T: 970 447 7000  
 F: 970 447 7000

STRUCTURAL ENGINEER  
 ADVANCED DESIGN GROUP LLC  
 4801 FORTWALK AVENUE SUITE 200  
 BRECKENRIDGE, COLORADO  
 (970) 536 8001  
 F: (970) 536 6492



**ASPEN**

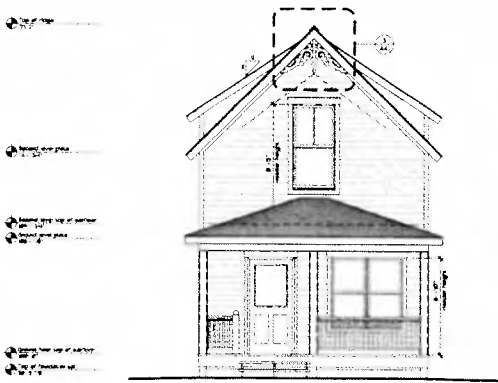
♦ **WELLINGTON •**  
**NEIGHBORHOOD**  
**BRECKENRIDGE, COLORADO**

ISSUE DATES  
 DATE DESCRIPTION  
 August 30, 2010

REVISIONS  
 DATE DESCRIPTION

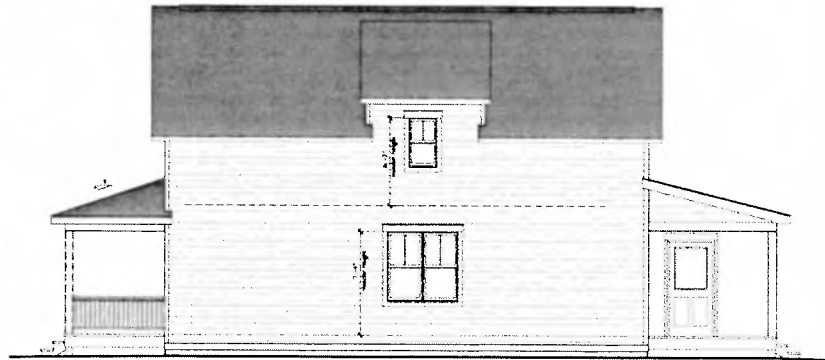
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FLOOR PLANS  
**A1.1**



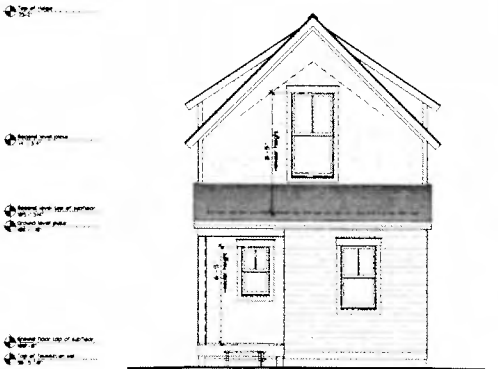
**FRONT ELEVATION**

Scale: 1/4"=1' (24"x 36" sheet) or 1/8"=1' (11"x 17" sheet)



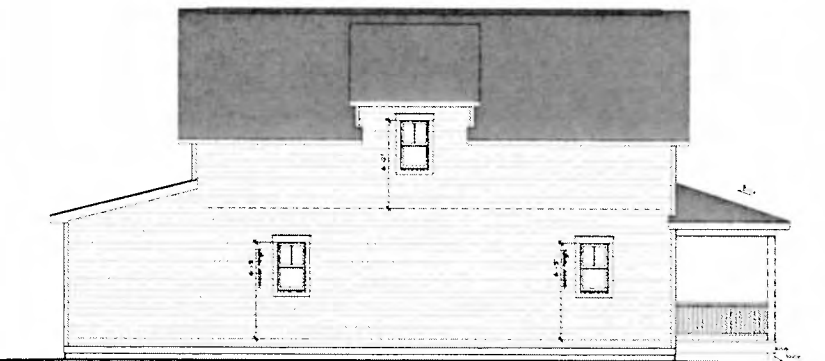
**RIGHT SIDE ELEVATION**

Scale: 1/4"=1' (24"x 36" sheet) or 1/8"=1' (11"x 17" sheet)



**REAR ELEVATION**

Scale: 1/4"=1' (24"x 36" sheet) or 1/8"=1' (11"x 17" sheet)



**LEFT SIDE ELEVATION**

Scale: 1/4"=1' (24"x 36" sheet) or 1/8"=1' (11"x 17" sheet)

**WOLFF • LYON  
ARCHITECTS**

• WELLINGTON •  
NEIGHBORHOOD  
BRECKENRIDGE, COLORADO

CLIENT  
PROPERTY: 123  
1000 PINE ST. N. 100  
Boulder, CO 80501  
ARCHITECT  
WOLFF LYON ARCHITECTS  
100 PINE ST. N. SUITE 210  
BOULDER, CO 80501  
TEL: 303.440.1234  
WWW.WOLFFLYON.COM  
STRUCTURAL ENGINEER  
MOUNTAIN DESIGN GROUP LLC  
2000 PINE ST. N. SUITE 100  
BOULDER, CO 80501  
TEL: 303.440.1234

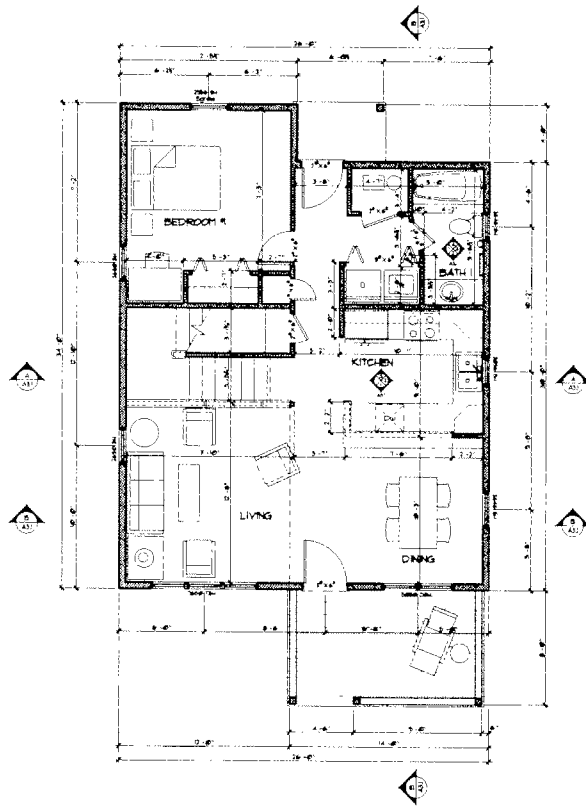


ASPEN  
♦ WELLINGTON ♦  
NEIGHBORHOOD  
BRECKENRIDGE, COLORADO

ISSUE DATE:  
DATE: August 30, 2010

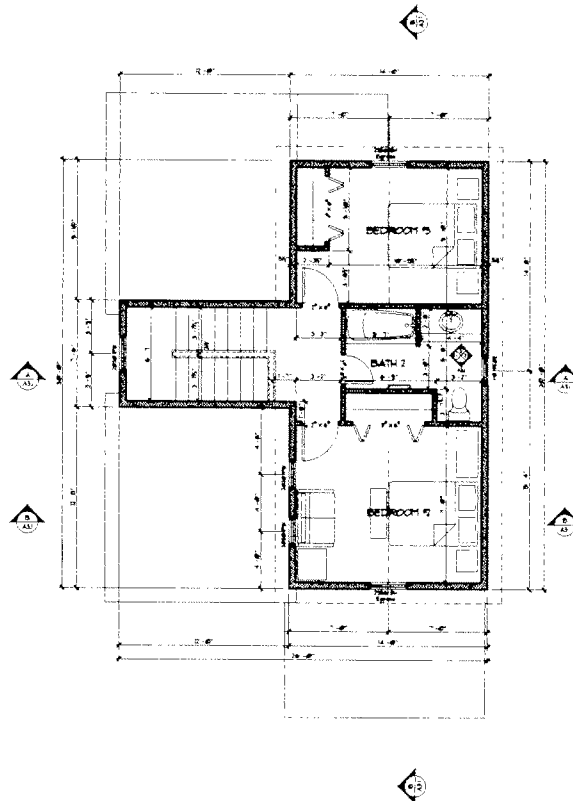
REVISIONS  
DATE DESCRIPTION

PROJECT NO.  
ELEVATIONS  
**A2.1**



**GROUND LEVEL PLAN**

Scale: 1/4"=1' (24"x 36" sheet) or 1/8"=1' (11"x 17" sheet)



**UPPER LEVEL PLAN**

Scale: 1/4"=1' (24"x 36" sheet) or 1/8"=1' (11"x 17" sheet)

Ground floor: 829 sf  
 Upper Floor: 430 sf  
 TOTAL: 1,259 sf

**WOLFF • LYON  
 ARCHITECTS**

• WELLINGTON •  
 NEIGHBORHOOD  
 BRECKENRIDGES, COLORADO

CLIENT  
 HOPKINSON, J.C.  
 377 PEARL ST SUITE 400  
 BOULDER CO COLORADO

ARCHITECT  
 WOLFF • LYON ARCHITECTS  
 377 PEARL STREET SUITE 210  
 BOULDER CO COLORADO  
 P 303.443.4996  
 F 303.447.2668

STRUCTURAL ENGINEER  
 MOUNTAIN DESIGN GROUP LLC  
 2015 TWO TALL WIND DR STE B  
 BRECKENRIDGE CO COLORADO  
 P 970.676.9811  
 F 970.676.8472

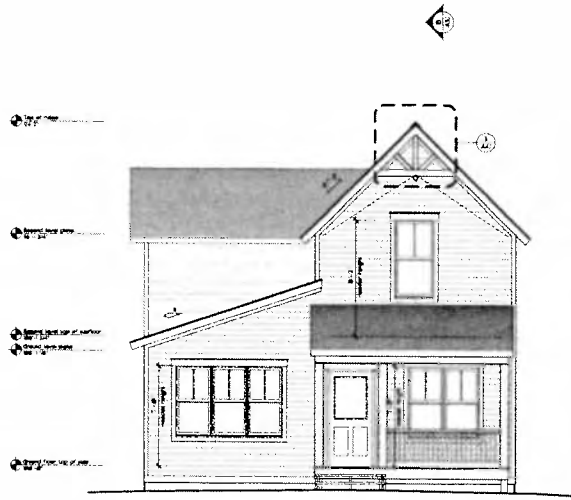
**HONEY LOCUST**  
 • WELLINGTON •  
 NEIGHBORHOOD  
 BRECKENRIDGE, COLORADO

ISSUE DATES  
 DATE DESCRIPTION  
 August 30, 2010

REVISIONS  
 DATE DESCRIPTION

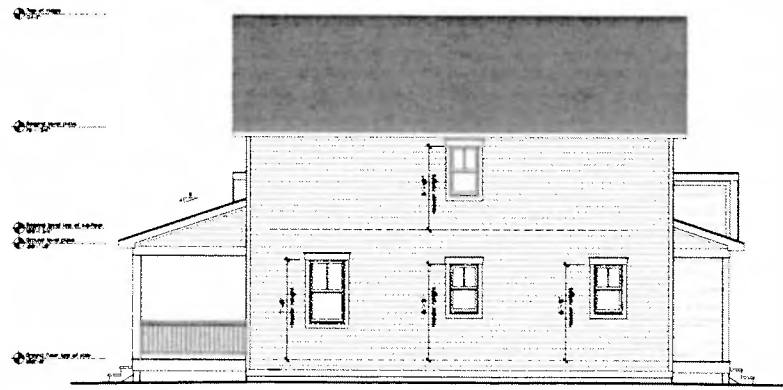
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FLOOR PLANS  
**A1.1**



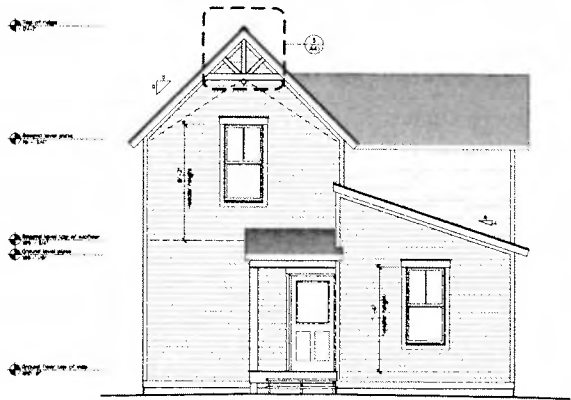
**FRONT ELEVATION**

Scale: 1/4"=1' (24" x 36" sheet) or 1/8"=1' (11" x 17" sheet)



**RIGHT SIDE ELEVATION**

Scale: 1/4"=1' (24" x 36" sheet) or 1/8"=1' (11" x 17" sheet)



**REAR ELEVATION**

Scale: 1/4"=1' (24" x 36" sheet) or 1/8"=1' (11" x 17" sheet)



**LEFT SIDE ELEVATION**

Scale: 1/4"=1' (24" x 36" sheet) or 1/8"=1' (11" x 17" sheet)

**WOLFF • LYON  
ARCHITECTS**

• WELLINGTON •  
NEIGHBORHOOD  
BRECKENRIDGE, COLORADO

CLIENT:

PERFORMANCE LLC  
770 PEARL STREET, SUITE 210  
BOULDER, CO 80502

ARCHITECT:

WOLFF • LYON ARCHITECTS  
770 PEARL STREET, SUITE 210  
BOULDER, CO 80502  
P: (303) 447-7888  
F: (303) 447-7888

STRUCTURAL ENGINEER:

MOUNTAIN DESIGN GROUP LLC  
2015 PINE TREE DRIVE, SUITE 100  
BRECKENRIDGE, CO 80424  
P: (303) 870-8800  
F: (303) 870-8800



**HONEY LOCUST**  
♦ **WELLINGTON •**  
**NEIGHBORHOOD**  
BRECKENRIDGE, COLORADO

ISSUE DATE:

DATE: August 30, 2010 DESCRIPTION:

REVISIONS:

DATE: DESCRIPTION:

DRAWN BY: PROJECT No: 0908

ELEVATIONS  
**A2.1**

Planning Commission Staff Report

Project Manager: Michael Mosher

Date: November 17, 2010 (For Meeting of December 7, 2010)

Subject: Bear Claw Court, Unit A Change of Use, Class C Minor, PC#2010065,

Owners/Applicant: Jeff Paffrath, Paffrath Thomas Breckenridge

Agent: Marc Hogan, bhh Partners

Proposal: To change the use of Unit A of Bear Claw Court from commercial use to residential (condominium) use.

Address: 217-A South Ridge Street

Legal Description: Bear Claw Court Condominium, (previously Sites A, B and D, Adams Ridge)

Site Area: 0.155 Acres (6,751 Square Feet)

Land Use District: 18<sub>2</sub> (1:1 FAR, 20 UPA)

Historic District: South End Residential Character Area

Site Conditions: Sites A and B contain the Bear Claw Court building. Site D is currently being used as Adams Ridge common parking.

Adjacent Uses: North: South Ridge Seafood Grill  
South: Site C, Adams Ridge – Agency Building  
East: Snowbird Condos  
West: Site E open space & Site I – Copper Baron Building

Allowed Total Density Maximums:  
@ 1:1 FAR = 6,751 SF (100% commercial use)  
@ 20 UPA = 4,960 SF (100% residential use)

Existing Total Density: 4,798.74 SF (commercial use)

**Proposed Total Density:** 3,671 SF (54.38% Commercial)  
1,128 SF (30.7% Residential)

Unit A Proposed SFE Change: 1,128 SF ~1.13 SFEs commercial use  
1,128 SF ~1.25 SFEs residential use

Remaining Density: 145 SF (residential) or 350 SF (commercial)

Proposed Above Ground Density: No change

Mass: Allowed: 2,457 SF  
Slight reduction with mass bonus for Condominium use

Height: No change

Parking (residential must be on-site): Four (4) extra parking spaces exist on-site. A covenant will be recorded dedicating 2 spaces for this residential use.



### Item History

Ten years ago the Paffrath Building, now called Bear Claw Court (PC#1999199), was approved by the Planning Commission with 100% commercial/office use. This proposal is to change one of the platted commercial units to residential use. The actual square footage of the unit is the same, but both the Land Use District (LUD) multiplier and the unit of density multiplier change.

### Staff Comments

Use: LUD 18<sub>2</sub> allows both residential and commercial uses. Unit A is located on the ground level off Ridge Street. Staff notes that this unit lies outside the Downtown Overlay District, which prohibits new residential uses on ground floors abutting streets of certain areas in Breckenridge. Staff has no concerns.

Density/Mass: Per the Development Code, one unit of commercial density equals 1,000 square feet and one unit of condominium density equals 900 square feet. Since the proposed floor plan for the residential use has the same square footage, the change of use from commercial to condominium uses slightly more density (1,128 SF = 1.13 SFEs commercial use and 1,128 SF = 1.25 SFEs residential use.)

This difference is also affected by how this density is applied to a specific property in a specific LUD. This LUD allows commercial uses at a floor area ratio (FAR) of 1 to 1 based on lot size, or a 1:1 FAR. Residential uses, like condominium, are allowed at a Unit per Acre (UPA) of 20, or 20 units of residential density for every acre of land, or 20 UPA.

The bottom line is, that after the density-use conversion factor and the FAR vs. UPA change, the property still has 145 square feet of commercial density remaining.

Site plan: This proposed change of use does not affect any site design.

Parking: Per the Parking Ordinance:

H. Location: The location of all required off-street parking facilities shall be as follows:

1. Residential Uses: For residential uses, except residences located in buildings adjacent to the "Riverwalk" as defined in Policy 37 (Absolute) of Section 9119 of this Title, all required off-street parking spaces shall be provided on the same property as the residential units they are intended to serve.

With 4,969.74 square feet of commercial density seven (7) parking spaces were required (4970 / 1000 X 1.4). Per the Adam's Ridge Master Plan, eleven (11) parking spaces are assigned to Sites A, B, and D and are owned by the applicant in the common parking area. All required parking is at the rear of the project. The existing parking exceeds the required parking by four (4). These spaces satisfy the need for off street parking per the off street parking regulations.

With the introduction of a residential use to Bear Claw Court, we have included a Condition of Approval that the 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 the dedication of two signed parking spaces on the premises. The applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.

Architecture: There are no changes to the exterior of the building as a result of the proposed change of use.

### Staff Decision

Staff has approved the Bear Claw Court, Unit A Change of Use, PC#2010065, the with the attached Findings and Conditions.

## TOWN OF BRECKENRIDGE

Bear Claw Court, Unit A Change of Use  
Lot A, Bear Claw Court Condominium  
217-A, South Ridge Street  
PC#2010065

**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 **November 17, 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 **December 7, 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 **June 13, 2010**, 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. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. Sewer and water assessments shall be reviewed and updated prior to change of use.

## PRIOR TO ISSUANCE OF BUILDING PERMIT

8. Applicant shall submit proof of ownership of the project site.
9. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.

## PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

10. 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 the dedication of two signed parking spaces on the premises. The applicant shall be responsible for payment of recording fees to the Summit County Clerk and Recorder.
11. 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.
12. 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.
13. 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.**
14. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

15. Applicant shall construct all proposed trails according to the Town of Breckenridge Trail Standards and Guidelines (dated June 12, 2007). All trails disturbed during construction of this project shall be repaired by the Applicant according to the Town of Breckenridge Trail Standards and Guidelines. Prior to any trail work, Applicant shall consult with the Town of Breckenridge Open Space and Trails staff.
  
16. 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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(Initial Here)



**Class C Development Review Check List**

<b>Project Name/PC#:</b>	Garcia Muriel Residence	PC#2010063
<b>Project Manager:</b>	Matt Thompson, AICP	
<b>Date of Report:</b>	November 30, 2010	For the 12/07/2010 Planning Commission Meeting
<b>Applicant/Owner:</b>	Carlos and Luiza Garcia Muriel	
<b>Agent:</b>	bhh Partners	
<b>Proposed Use:</b>	Single family residence	
<b>Address:</b>	83 Lomax Drive	
<b>Legal Description:</b>	Lot 5, Lomax Estates	
<b>Site Area:</b>	27,833 sq. ft.	0.64 acres
<b>Land Use District (2A/2R):</b>	10: Residential	
<b>Existing Site Conditions:</b>	The lot slopes downhill at 10% from the front of the property towards the rear (east) portion of the property. There is a 10' snowstack easement along the front property line. There is a 15' drainage easement along the southern and eastern property lines. The lot has been heavily hit by the mountain pine beetle, hence most of the trees from the lot have been removed.	
<b>Density (3A/3R):</b>	Allowed: unlimited	Proposed: 4,293 sq. ft.
<b>Mass (4R):</b>	Allowed: unlimited	Proposed: 5,103 sq. ft.
<b>F.A.R.</b>	1:5.45 FAR	
<b>Areas:</b>		
<b>Lower Level:</b>	1,446 sq. ft.	
<b>Main Level:</b>	2,143 sq. ft.	
<b>Upper Level:</b>	704 sq. ft.	
<b>Garage:</b>	810 sq. ft.	
<b>Total:</b>	5,103 sq. ft.	
<b>Bedrooms:</b>	5	
<b>Bathrooms:</b>	5.5	
<b>Height (6A/6R):</b>	35 feet overall	
	(Max 35' for single family outside Historic District)	
<b>Lot Coverage/Open Space (21R):</b>		
	Building / non-Permeable: 2,256 sq. ft.	8.11%
	Hard Surface / non-Permeable: 2,351 sq. ft.	8.45%
	Open Space / Permeable: 23,226 sq. ft.	83.45%
<b>Parking (18A/18/R):</b>		
	Required: 2 spaces	
	Proposed: 2 spaces	
<b>Snowstack (13A/13R):</b>		
	Required: 588 sq. ft.	(25% of paved surfaces)
	Proposed: 588 sq. ft.	(25.01% of paved surfaces)
<b>Fireplaces (30A/30R):</b>	1 gas	
<b>Accessory Apartment:</b>	N/A	
<b>Building/Disturbance Envelope?</b>	Building envelope	
<b>Setbacks (9A/9R):</b>		
	Front: within the building envelope	
	Side: within the building envelope	

Side: within the building envelope  
Rear: within the building envelope

**Architectural Compatibility (5/A & 5/R):** The proposed residence will be architecturally compatible with the neighborhood.  
**Exterior Materials:** The vertical siding will be cedar 1x3 batten over 1x12 board. The horizontal siding will be cedar 2x12 channel rustic with no chinking. The Farmers Brown stone is natural rock.  
**Roof:** Asphalt shingle roof "Barkwood" in color (black and gray with brown speckles)  
**Garage Doors:** To match horizontal siding

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

Planting Type	Quantity	Size
Spruce	12	(6) 8' to 10', (6) 12' - 14'
Aspen	20	2" to 3" minimum caliper, 50% multi-stem
Potentilla	7	5 gallon
Cotoneaster	7	5 gallon

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

**Driveway Slope:** 8 %

**Covenants:** Standard landscaping covenant.

**Point Analysis (Sec. 9-1-17-3):** Staff has conducted an informal point analysis and found no reason to warrant positive or negative points. The proposal meets all Absolute Policies of the Development Code.

**Staff Action:** Staff has approved the Garcia Muriel Residence, PC#2010063, located at 83 Lomax Drive, Lot 5, Lomax Estates.

**Comments:**

**Additional Conditions of Approval:**



**COLOR LEGEND**

◆	SINGLE ROOFING	ELK PRESTIGE PLUS "DARKWOOD"
◆	WINDOW GLAZING	DARK BRONZE
◆	EXPOSED METAL	
◆	FIBERS 1" x 1"	OLYMPIC 1005 SEM-TRANSPARENT STAIN
◆	HORIZONTAL SIDING	OLYMPIC 1005 SEM-TRANSPARENT STAIN
◆	BOARD & BATTEN SIDING	OLYMPIC 1005 SEM-TRANSPARENT STAIN
◆	STONE VENEER	FARMER BRUSH RUSTIC PATTERN

NOTES: COLORS ARE TYPICAL FOR ALL ELEVATIONS  
BY ONE GROUP TO MATCH CHANGING SURF COLOR



**WEST ELEVATION**

SCALE 1/4" = 1'-0"



**EAST ELEVATION**

SCALE 1/4" = 1'-0"

REVISIONS

DATE	NO. 46
BY	11-17-10
FOR	JK/ML/ML
CHECKED BY	JK/ML/ML
DATE	11-17-10

NOTE: THIS DRAWING REPRESENTS THE DESIGN AND SHALL NOT BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT.

SALED FOR  
T.O.B. SUPPLEMENT 10/10

**bhh Partners**  
P.O. BOX 451170 • 140 EAST ADAMS • BRECKENRIDGE, CO 80424 • (970) 453-1946

**GARCIA MURIEL RESIDENCE**  
43 LONAX DRIVE, BRECKENRIDGE, COLORADO

© 2010  
SHEET NUMBER  
**A2.1**



**COLOR LEGEND**

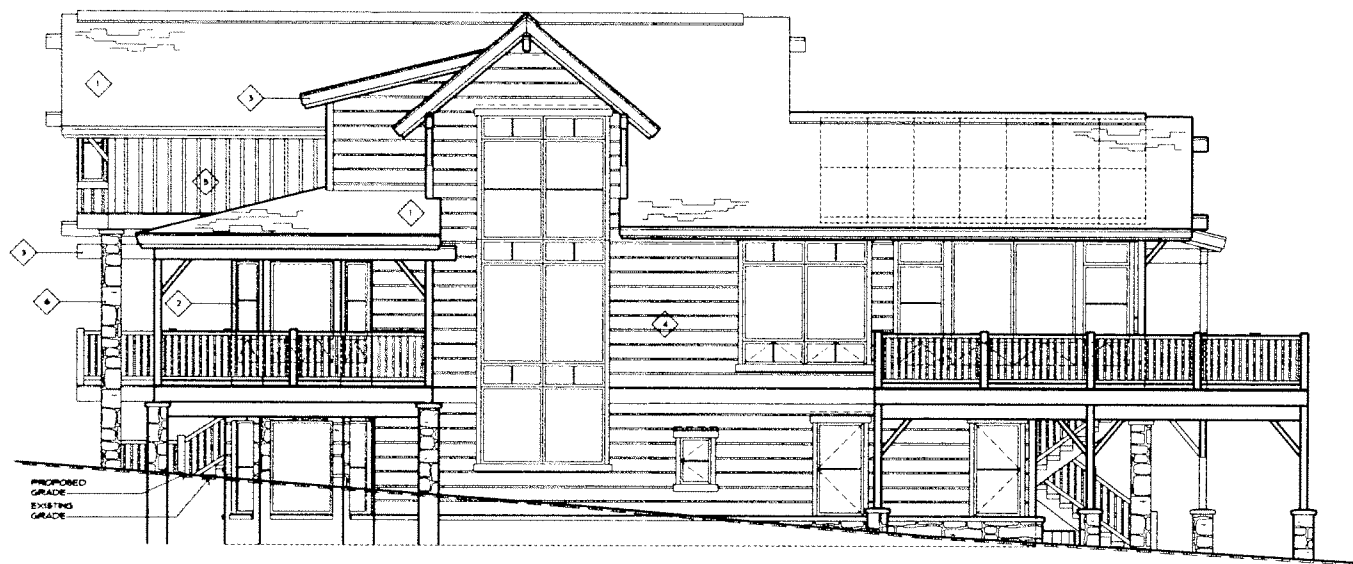
- 1 SHINGLE ROOFING ELK PRESTIGE PLUS "DARKWOOD"
- 2 WINDOW CLADDING / EXPOSED METAL DARK BRONZE
- 3 TRIMBERS + TRIM VOLTYPIC FOR 80% TRANSPARENT STAIN
- 4 HORIZONTAL SIDING VOLTYPIC FOR 80% TRANSPARENT STAIN
- 5 BOARD + BATTEN SIDING VOLTYPIC FOR 80% TRANSPARENT STAIN
- 6 STONE VENEER FARMER BROWN PLASTIC PATTERN

NOTES: COLORS ARE TYPICAL FOR ALL ELEVATIONS  
 STONE GROUT TO MATCH CHALKING BUFF COLOR



**NORTH ELEVATION**

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



**SOUTH ELEVATION**

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

REVISIONS

JOB NO. 1048  
 DATE 11.17.10  
 DRAWN BY J. Williams  
 CHECKED BY M. Hogan

THIS DRAWING IS COPYRIGHTED AND SHALL NOT BE REPRODUCED WITHOUT ARCHITECT'S PERMISSION

ISSUED FOR: SUBMITTAL 10/17/10

**bhh Partners**  
 P.O. BOX 301, 160 EAST GARDEN, BRECKENRIDGE, CO 80424 (970) 451-8800

**GARCIA MURIEL RESIDENCE**  
 81 LOMAX DRIVE, BRECKENRIDGE, COLORADO

© 2010  
 SHEET NUMBER  
**A2.2**



**Class C Development Review Check List**

**Project Name/PC#:** Dye Residence PC#2010064  
**Project Manager:** Matt Thompson, AICP  
**Date of Report:** November 22, 2010 For the 12/07/2010 Planning Commission Meeting  
**Applicant/Owner:** Park Hill 71, LLC/Royce Tolley  
**Agent:** BHH Partners  
**Proposed Use:** Single family residence  
**Address:** 625 Reiling Road  
**Legal Description:** Lot 1, Block 6, Vista Point  
**Site Area:** 49,618 sq. ft. 1.14 acres  
**Land Use District (2A/2R):** 14: Residential  
**Existing Site Conditions:** This property slopes uphill steeply at 26% from the front of the lot to the rear portion of the lot. The lot is heavily covered in aspen on the west half of the lot and lodgepole pine trees on the eastern half of the property. There is an access restriction on the front property line, the lot is accessed via a 25' access and utility easement. There is only one allowed curb cut on Lot 2 for access to Lots 1, 2, and 3, Block 6.

**Density (3A/3R):** Allowed: 4,000 sq. ft. Proposed: 3,304 sq. ft.  
**Mass (4R):** Allowed: 4,800 sq. ft. Proposed: 3,933 sq. ft.  
**F.A.R.** 1:12.62 FAR  
**Areas:**  
**Lower Level:** 971 sq. ft.  
**Main Level:** 1,600 sq. ft.  
**Upper Level:** 733 sq. ft.  
**Garage:** 629 sq. ft.  
**Total:** 3,933 sq. ft.

**Bedrooms:** 5  
**Bathrooms:** 4.5  
**Height (6A/6R):** 34 feet overall  
(Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
Building / non-Permeable: 2,253 sq. ft. 4.54%  
Hard Surface / non-Permeable: 1,505 sq. ft. 3.03%  
Open Space / Permeable: 45,860 sq. ft. 92.43%

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

**Snowstack (13A/13R):**  
Required: 377 sq. ft. (25% of paved surfaces)  
Proposed: 539 sq. ft. (35.81% of paved surfaces)

**Fireplaces (30A/30R):** 1 gas burner

**Accessory Apartment:** N/A

**Building/Disturbance Envelope?** Disturbance

**Setbacks (9A/9R):**  
Front: within the disturbance envelope

Side: within the disturbance envelope

Side: within the disturbance envelope

Rear: within the disturbance envelope

**Architectural Compatibility (5/A & 5/R):**

The residence will be architecturally compatible with the land use district.

**Exterior Materials:**

1x8 horizontal cedar siding, board and batten vertical siding, bronze window clad and flashing, and a natural stone base.

**Roof:**

Asphalt shingle roof "Hickory" in color

**Garage Doors:**

2x trim with 1x vertical v-groove inlay color to match siding

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

Planting Type	Quantity	Size
Colorado Spruce	10	(5) 6' - 8', (5) 8' - 10'
Aspen	8	2" - 3" minimum caliper, 50% multi-stem
Cotoneaster	3	5 gallon
Potentilla	3	5 gallon

**Drainage (27A/27R):**

Positive away from residence.

**Driveway Slope:**

3 %

**Covenants:**

Standard landscaping covenant.

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

Staff has conducted an informal point analysis of this application and found no reason to warrant positive or negative points.

**Staff Action:**

Staff has approved the Dye Residence, PC#2010064, located at 625 Reiling Road, Lot 1, Block 6, Vista Point Subdivision.

**Comments:**

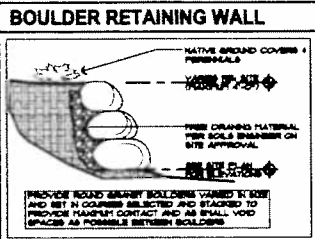
There is an existing social trail located near the northern property line (uphill from the building envelope). The trail is identified Town of Breckenridge Trails Master Plan as a priority trail connection. The Open Space and Trails Department is currently negotiating with the property owner to obtain a easement along the current trail alignment.

**Additional Conditions of**

**Approval:**

LOT COVERAGE			
	sq. ft.	%	
BUILDINGS (INCLUDES OVERLAPS)	1,284 sq. ft.	6.2%	
HARDSCAPE (DECK, PATIO, BALCONY, DRIVEWAY)	1,028 sq. ft.	5.2%	
OPEN SPACE	19,840 sq. ft.	94.6%	
TOTAL LOT SIZE	22,152 sq. ft.	100%	

REQUIRED SNOWSTACK			
	sq. ft.	sq. ft.	sq. ft.
HARDSCAPE (DECK, PATIO, BALCONY, DRIVEWAY)	1,028 sq. ft.	1,028 sq. ft.	
REQUIRED SNOW STACK (75% OF HARDSCAPE)	771 sq. ft.	771 sq. ft.	
TOTAL SNOW STACK PROVIDED	771 sq. ft.	771 sq. ft.	

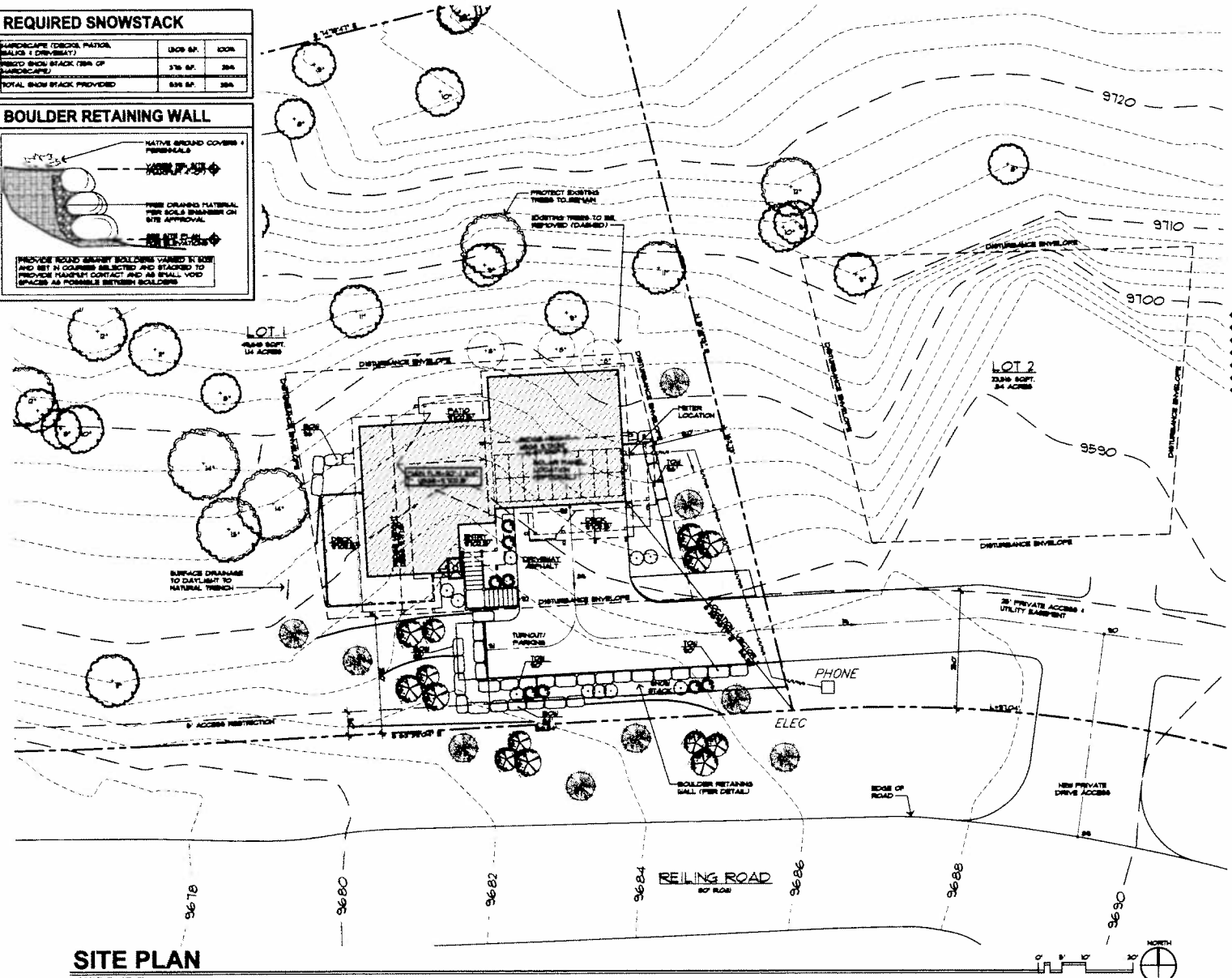


- SITE NOTES**
- ELECTRIC CABLE TV & TELEPHONE UNDERGROUND IN OPTION TRENCH.
  - VERIFY ALL UTILITY LOCATIONS PRIOR TO ANY WORK. COORDINATE WITH ANY APPLICABLE UTILITY COMPANY. ALL UTILITIES TO BE UNDERGROUND.
  - TOPOGRAPHIC INFORMATION OBTAINED FROM NATIONAL LAND SURVEY TO DATE.
  - PROVIDE POSITIVE DRAINAGE AT BUILDING PERIMETER HELD AWAY FROM BUILDING AT 18 INCH.
  - REFER TO FOUNDATION PLAN FOR FOUNDATION, DRAIN LOCATION AND SLOPE. DRAINS TO BE SLOPED TO DAYLIGHT TO NEAREST TRENCH.
  - PLAN ALL WALKS FOR CROSS SLOPE TO INSURE OR IMPROVE.
  - PREDICT ALL REPLACEMENT TREES WITH SNOW FENCE OR OTHER APPROVED BARRIER DURING CONSTRUCTION.
  - PROVIDE 1/2 DIA. IRON NIP NAP OVER USED BARRIER FABRIC AT BARRIERS AND WALKWAY CROSS LOCATIONS.
  - INDICATE HOUSE LOCATION FOR OWNER, ARCHITECT, AND TOWN OF BLUE HILLS PRIOR TO ANY WORK.
  - GENERAL CONTRACTOR TO REVIEW & COMPLY WITH ALL TOWN ORDINANCES. COPIES OF ORDINANCES ARE AVAILABLE FROM ARCHITECT.

**PLANTING LIST**

KEY	COMMON	BOTANICAL	NO.	SIZE
1	DOGWOOD	DOGWOOD	0	SEE SITE PLAN
2	DOGWOOD	DOGWOOD	0	SEE SITE PLAN
3	DOGWOOD	DOGWOOD	1	SEE SITE PLAN
4	DOGWOOD	DOGWOOD	1	SEE SITE PLAN
5	DOGWOOD	DOGWOOD	1	SEE SITE PLAN
6	DOGWOOD	DOGWOOD	1	SEE SITE PLAN
7	DOGWOOD	DOGWOOD	1	SEE SITE PLAN
8	DOGWOOD	DOGWOOD	1	SEE SITE PLAN
9	DOGWOOD	DOGWOOD	1	SEE SITE PLAN
10	DOGWOOD	DOGWOOD	1	SEE SITE PLAN

- LANDSCAPE NOTES**
- PROVIDE 2" OF CHALK CLAY FREE TOPSOIL AND SEED ALL DISTURBED AREAS WITH SEEDING MIXTURE. SEED FOR GRASS AND BROOMS. SEEDING SHOULD BE COMPLETED WITHIN 14 DAYS OF COMPLETION OF DISTURBED AREAS. SEEDING SHOULD BE COMPLETED WITHIN 14 DAYS OF COMPLETION OF DISTURBED AREAS.
  - GENERAL CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDING FOUNDATIONS PER SPECIFICATIONS AND CODE REQUIREMENTS.
  - PRIOR TO ANY LANDSCAPE WORK, REMOVE ALL EXISTING PAINT, CONCRETE, STAIN, SLABS ETC. FROM LANDSCAPE AREA.
  - LOCATE ALL PLANTINGS TO AVOID ROOT SHADING & SOIL SLICE UNDER TREE CANOPY.
  - PLANTINGS ARE TO BE FIELD LOCATED AS APPROVED BY OWNER AND ARCHITECT.
  - ALL NEW LANDSCAPING TO BE WATERED WITH Drip IRRIGATION SYSTEM PROVIDE SCHEDULE.
  - ALL NEW PLANTINGS SHOULD BE HIGH ALTITUDE GRASS OR COLLECTED TO SIMULATE NATURAL GRASS.
  - MAXIMIZE GROUPING OF TREES BY "WYTHING" METHOD & LOCATION WHEREVER POSSIBLE.
  - SCREEN ALL UTILITY FEDERAL WITH LANDSCAPE MATERIAL.
  - PROVIDE 2" OF CHALK CLAY FREE TOPSOIL OVER USED BARRIER FABRIC AT BARRIERS AND WALKWAY CROSS LOCATIONS AND PROVIDE LANDSCAPE SEEDING AT APPROX. TO TOPSOIL JUNCTION.
  - INSTALL & BACKFILL ALL PLANTINGS WITH SOIL PER INCLUDING DRAINAGE SOIL. PROVIDE PER SPECIFICATIONS AND LANDSCAPE DETAILS.
  - ROOT FENCE ALL NEWLY PLANTED TREES DURING INSTALLATION. PROVIDE LINED BARRIER WITH STAPLES AND GALVANIZED POSTS/RAILS AT RECOMMENDED RATES FOR EACH TREE SPECIES.
  - PROVIDE 2" OF BARBED BARK MULCH AT ALL BARRIERS AND TREE WELLS.
  - LANDSCAPE BOULDERS OF 2' OR LARGER SHALL BE OBTAINED ON SITE FOR USE IN LANDSCAPE WORK. BURY DECORATIVE BOULDERS ONE-HALF OF DIAMETER.
  - ADDITIONAL CONSULTATION WITH A QUALIFIED LANDSCAPE PROFESSIONAL AT OWNER OPTION IS RECOMMENDED.



**SITE PLAN**  
SCALE: 1" = 10'-0"

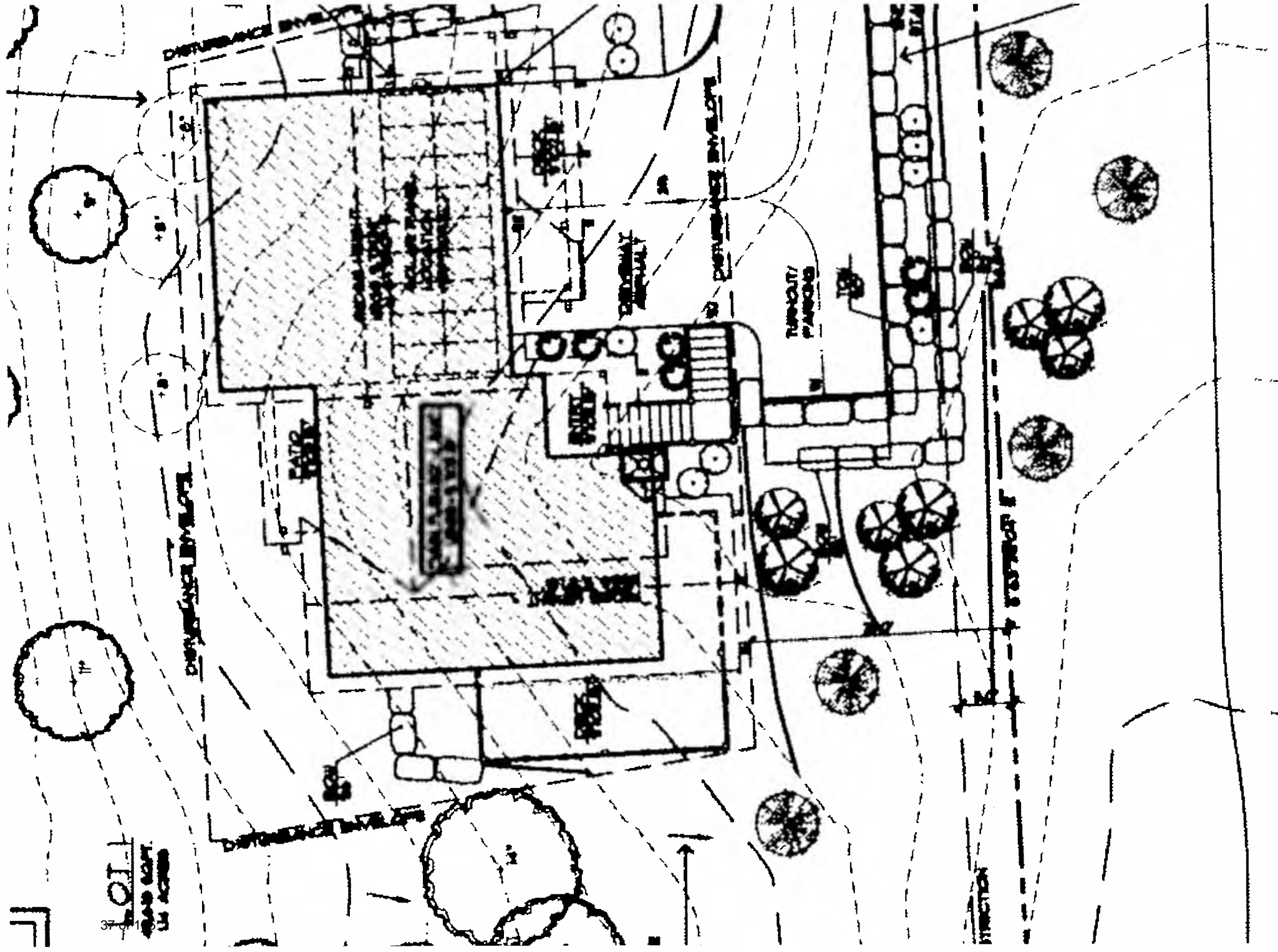
REVISIONS

JOB NO. 1002  
DATE: 1/16/20  
DRAWN BY: T GERBER  
CHECKED BY: M MOSEMAN

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P.O. BOX 871, WEST JARVIS, BRICKENRIDGE, CO 80606 (970) 483-0888

**DYE RESIDENCE**  
16240 W. REILING ROAD  
LOT 1, BLOCK 8 VISTA POINT, FLEMING, BRICKENRIDGE, CO 80604

© 2010  
SHEET NUMBER:  
**SP-1.0**  
SITE PLAN  
OF 1



LOT 1  
0.45 ACRES

DISTURBANCE ENVELOPE

STAIRS

OFFICE

RECEPTION

CONFERENCE ROOM

DRIVEWAY

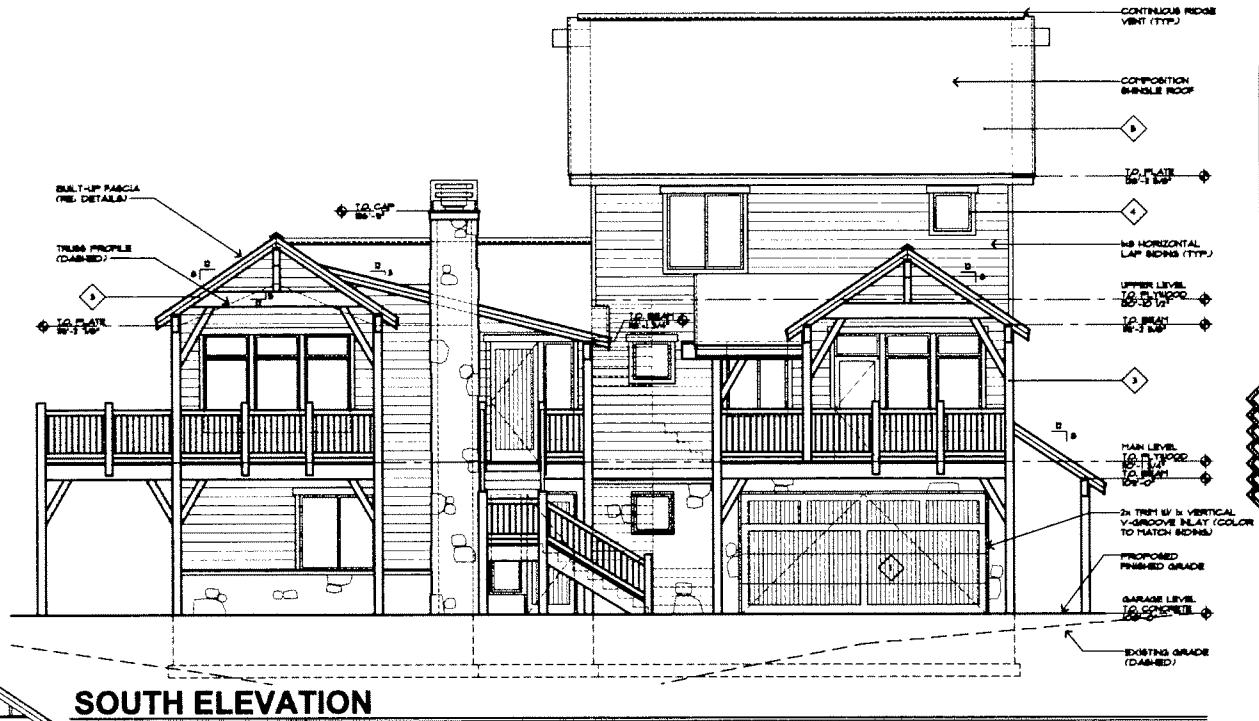
TURN-OUT/  
PARKING

FUNCTION

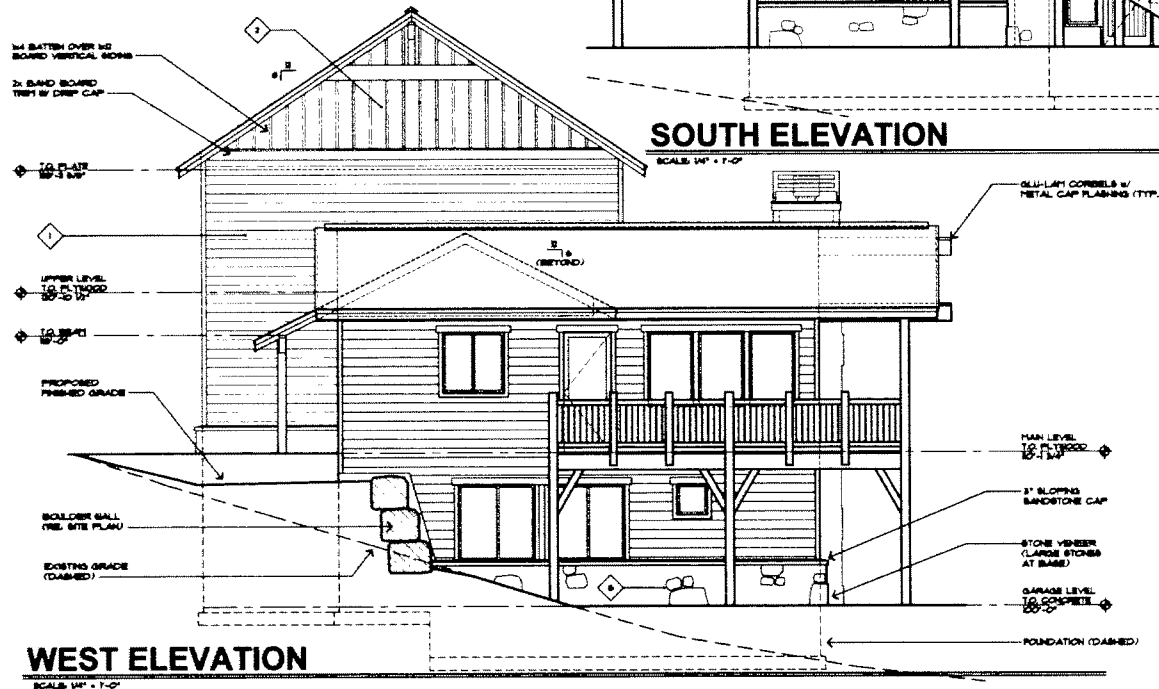
DISTURBANCE ENVELOPE

DISTURBANCE ENVELOPE

DISTURBANCE ENVELOPE



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



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

COLOR LEGEND		
1	1/4" BATTEN OVER 1/2" BOARDED VERTICAL SIDING	"BELLAWAY MOORE" WOOD STOCK TAN HC-30
2	2" BOARD BOARD TRIFT BY DRIP CAP	1/2" TRIFT FIBER BERT-TANSPARENT STAIN
3	BUILT-UP FASCIA (SEE DETAILS)	"BELLAWAY MOORE VAN BUREN BRUSH HC-10"
4	TRIFT PROFILE (DASHED)	BRONZE
5	TO PLATE 16'-3 1/2" SIP	ELK PRIMITIVE "MOCKERT"
6	UPPER LEVEL 16'-3 1/2" SIP	"HARRIS BRUSH" DRY STACKED
7	TO PLATE 16'-3 1/2" SIP	
8	TO PLATE 16'-3 1/2" SIP	
9	TO PLATE 16'-3 1/2" SIP	
10	TO PLATE 16'-3 1/2" SIP	
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100	TO PLATE 16'-3 1/2" SIP	

NOTE: VERIFY ALL COLORS WITH OTHER COLORS ARE TYPICAL FOR ALL ELEVATIONS

REVISIONS

JOB NO: 1008  
DATE: 5/15/20  
DRAWN BY: T. GRENCH  
CHECKED BY: M. HOGAN

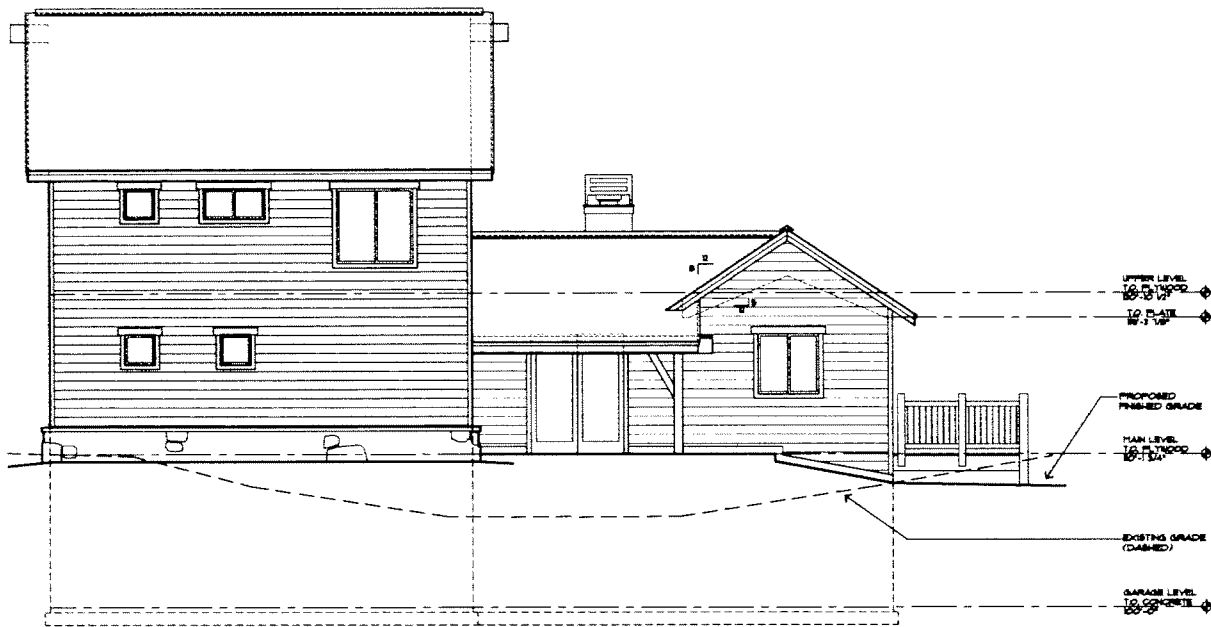
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P.O. BOX 521  
BREMENSDORGE, CO 80424

TOAN SUBMITTAL 1/1/10

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BREMENSDORGE, CO 80424

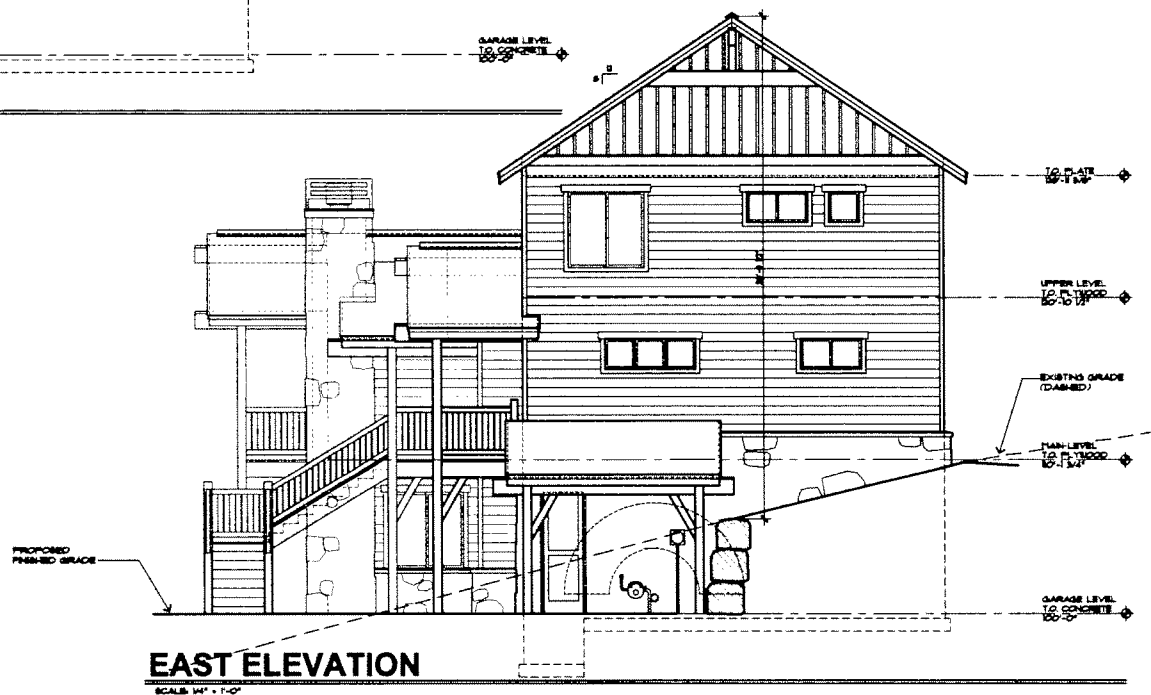
**DYE RESIDENCE**  
1800 W. ROAD  
1001 E. ROAD & WETA POST TUNG 1, BREMENSDORGE, CO 80424

© 2010  
SHEET NUMBER  
**A-2.0**  
BUILDING ELEVATIONS  
OF 6



**NORTH ELEVATION**

SCALE 1/4" = 1'-0"

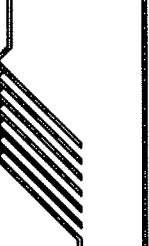


**EAST ELEVATION**

SCALE 1/4" = 1'-0"

REVISIONS:  
 JOB NO. 1080  
 DATE 5/16/10  
 DRAWN BY T. GIBSON  
 CHECKED BY M. HODMAN  
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TOWN SUBMITTAL 1/16/10



bhh Partners  
 P.O. BOX 81 180 EAST ADAMS  
 BRECKENRIDGE, CO 80424 (970) 452-8888  
**DYE RESIDENCE**  
 BRECKENRIDGE, CO  
 LOT 1 BLOCK 8 VISTA POINT PLUNG 1, BRECKENRIDGE, CO 80424

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 SHEET NUMBER  
**A-2.1**  
 BUILDING  
 ELEVATIONS  
 OF 6



**Class C Development Review Check List**

<b>Project Name/PC#:</b>	Murphy Residence	PC#2010062
<b>Project Manager:</b>	Matt Thompson, AICP	
<b>Date of Report:</b>	December 1, 2010	For the 12/07/2010 Planning Commission Meeting
<b>Applicant/Owner:</b>	Breckenridge Lands, Inc.	
<b>Agent:</b>	Allen-Guerra Design-Build, Inc.	
<b>Proposed Use:</b>	Single family residence	
<b>Address:</b>	525 Peerless Drive	
<b>Legal Description:</b>	Lot 60, Shock Hill Subdivision	
<b>Site Area:</b>	22,826 sq. ft.	0.52 acres
<b>Land Use District (2A/2R):</b>	10: Residential	
<b>Existing Site Conditions:</b>	The lot slopes gently uphill at 10% from the south towards the north. There are two 15' x 30' utility and drainage easements on the property. The lot is heavily covered in moderately sized lodgepole pine trees.	
<b>Density (3A/3R):</b>	Allowed: unlimited	Proposed: 4,547 sq. ft.
<b>Mass (4R):</b>	Allowed: unlimited	Proposed: 5,298 sq. ft.
<b>F.A.R.</b>	1:4.31 FAR	
<b>Areas:</b>		
<b>Lower Level:</b>	2,085 sq. ft.	
<b>Main Level:</b>	2,462 sq. ft.	
<b>Upper Level:</b>		
<b>Garage:</b>	751 sq. ft.	
<b>Total:</b>	5,298 sq. ft.	
<b>Bedrooms:</b>	5	
<b>Bathrooms:</b>	5	
<b>Height (6A/6R):</b>	30 feet overall	
	(Max 35' for single family outside Historic District)	
<b>Lot Coverage/Open Space (21R):</b>		
	Building / non-Permeable: 5,493 sq. ft.	24.06%
	Hard Surface / non-Permeable: 1,462 sq. ft.	6.40%
	Open Space / Permeable: 15,871 sq. ft.	69.53%
<b>Parking (18A/18/R):</b>	Required: 2 spaces	
	Proposed: 2 spaces	
<b>Snowstack (13A/13R):</b>	Required: 366 sq. ft.	(25% of paved surfaces)
	Proposed: 600 sq. ft.	(41.04% of paved surfaces)
<b>Fireplaces (30A/30R):</b>	4 gas, one EPA Phase II wood burning	
<b>Accessory Apartment:</b>	N/A	
<b>Building/Disturbance Envelope?</b>	Disturbance	
<b>Setbacks (9A/9R):</b>	Front: within disturbance envelope	
	Side: within disturbance envelope	
	Side: within disturbance envelope	
	Rear: within disturbance envelope	



**Architectural Compatibility (5/A & 5/R):**

The proposed residence will be architecturally compatible with the neighborhood.

**Exterior Materials:**

Horizontal siding 2x12 hand hewn cedar siding with 1" dark grey chinking, vertical siding 1x6 and 1x10 rough sawn cedar board on board, fascia rough sawn 2x cedar, soffit rough sawn 1x6 cedar, and natural dry stack mossrock.

**Roof:**

50-year Tamko asphalt shingle "weathered wood" (brown)

**Garage Doors:**

Cedar sided to match vertical siding

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

Planting Type	Quantity	Size
Spruce	8	(2) 10', (3) 12', (3) 14'
Aspen	17	(4) 1", (5) 1.5", (8) 2" minimum caliper
Native Rose	23	5 gallon

**Drainage (27A/27R):**

Positive away from residence.

**Driveway Slope:**

4 %

**Covenants:**

Standard landscaping covenant.

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

Staff conducted an informal point analysis and found no reason to warrant positive or negative points. The proposal meets all absolute Policies of the Development Code.

**Staff Action:**

Staff has approved the Murphy Residence, PC#2010062, located at 525 Peerless Drive, Lot 60, Shock Hill.

**Comments:**

**Additional Conditions of Approval:**

PLANT LEGEND	
	1" = 1'0" NATIVE PINE
	1" = 1'0" NATIVE SPRUCE
	1" = 1'0" NATIVE FIR
	1" = 1'0" NATIVE CEDAR
	1" = 1'0" NATIVE JUNIPER
	1" = 1'0" NATIVE PINE
	1" = 1'0" NATIVE SPRUCE
	1" = 1'0" NATIVE FIR
	1" = 1'0" NATIVE CEDAR
	1" = 1'0" NATIVE JUNIPER

CONIFEROUS TREE PLANTING	
	1" = 1'0" NATIVE PINE
	1" = 1'0" NATIVE SPRUCE
	1" = 1'0" NATIVE FIR
	1" = 1'0" NATIVE CEDAR
	1" = 1'0" NATIVE JUNIPER

DECIDUOUS TREE PLANTING	
	1" = 1'0" NATIVE PINE
	1" = 1'0" NATIVE SPRUCE
	1" = 1'0" NATIVE FIR
	1" = 1'0" NATIVE CEDAR
	1" = 1'0" NATIVE JUNIPER

ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE TOWN OF BRECKENRIDGE LANDSCAPING PLAN. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE TOWN OF BRECKENRIDGE LANDSCAPING PLAN. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE TOWN OF BRECKENRIDGE LANDSCAPING PLAN.

NOTE: ALL AREAS WITHIN BUILDING DEVELOPMENT SHALL BE PLANTED WITH NATIVE PLANTS AND TREES. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE TOWN OF BRECKENRIDGE LANDSCAPING PLAN. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE TOWN OF BRECKENRIDGE LANDSCAPING PLAN. PLANTING SHALL BE DONE IN ACCORDANCE WITH THE TOWN OF BRECKENRIDGE LANDSCAPING PLAN.



LANDSCAPING PLAN



20 ACE HIGH  
 BRECKENRIDGE, COLORADO 80841  
 970-536-1000  
 FAX 970-536-1001  
 WWW.ALLENGUERRA.COM

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**MURPHY RESIDENCE**  
 LOT 60, SHOCK HILL SUBDIVISION  
 BRECKENRIDGE, COLORADO  
**LANDSCAPING PLAN**

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DATE	DATE
PLANNING	22 NOV 2010

PROJECT # 1004

**LI**

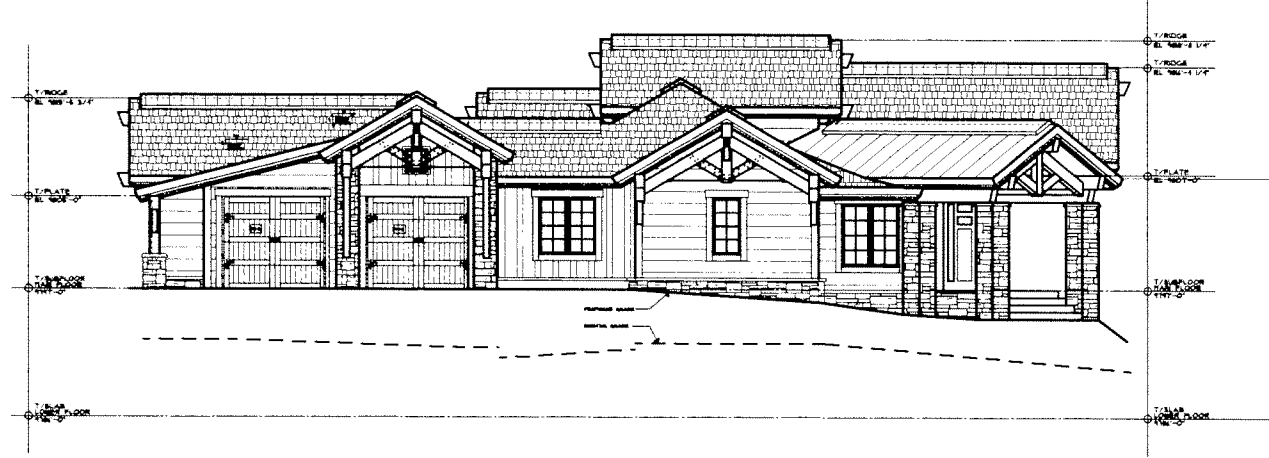
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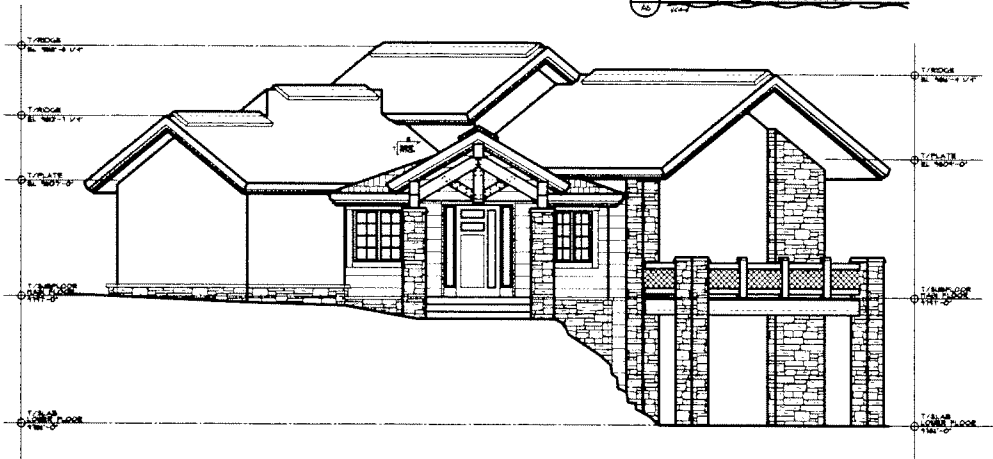
TOWN OF BRECKENRIDGE  
PLANNING DEPT



PO BOX 100  
 BRECKENRIDGE, COLORADO 80424  
 970 468-0000  
 7240 SPRINGWOOD  
 CHASE, BRECKENRIDGE, COLORADO  
 80424 WWW.ALLENGUERRA.COM



**NORTHWEST ELEVATION**



**WEST ELEVATION AT ENTRY**

**MURPHY RESIDENCE**  
 LOT 60 STOCK HILL SUBDIVISION  
 BRECKENRIDGE, COLORADO  
**EXTERIOR ELEVATIONS**  
CONCEPT AS SHOWN. WORK SHALL BE SUBJECT TO REVISIONS WITHOUT NOTICE.

ISSUE	DATE
PLANNING	22 NOV 2010

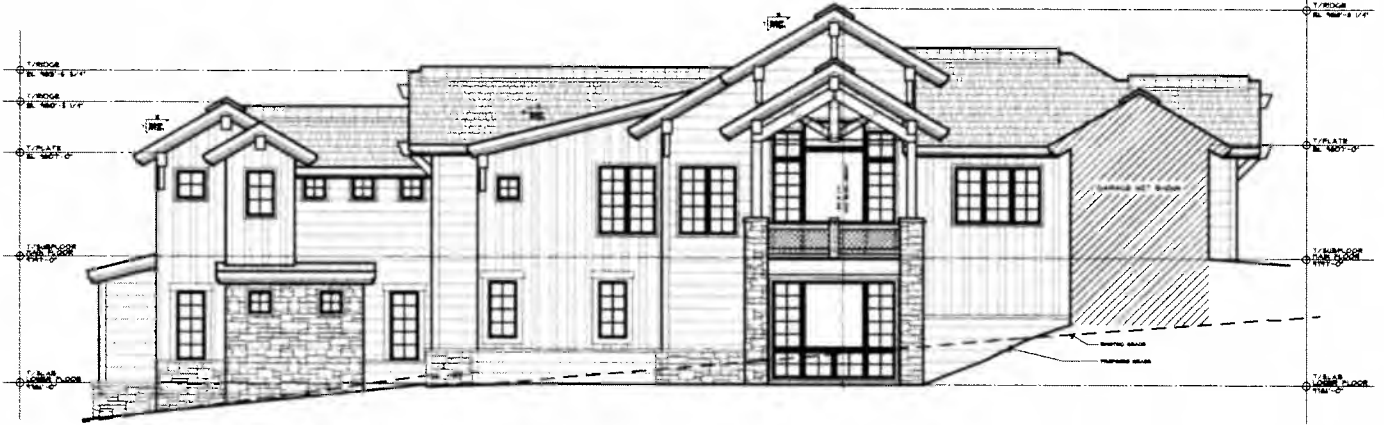
**A6**



PO BOX 1004  
 271  
 COLORADO 80444  
 TEL: 303.441.1111  
 FAX: 303.441.1112  
 EMAIL: INFO@ALLEGUERRA.COM  
 WEB: WWW.ALLEGUERRA.COM



7  
 A5  
 SOUTHWEST ELEVATION



7  
 A5  
 NORTHWEST ELEVATION

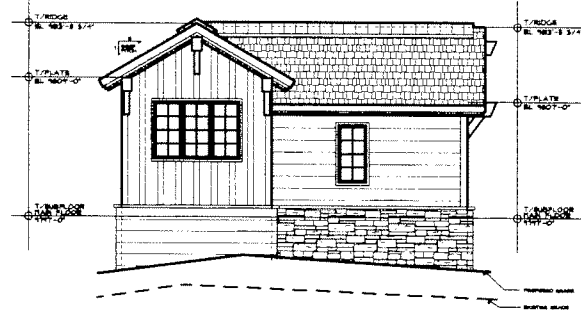
MURPHY RESIDENCE  
 LOT 60 STOCK HILL SUBDIVISION  
 BRECKENRIDGE, COLORADO  
 EXTERIOR ELEVATIONS  
 COMMENT: AS SHOWN WITH VENEER. SIZE OF BRICK/STONE/CLADDING VENEER VARYING.

ISSUE	DATE
PLANNING	21 NOV 2010

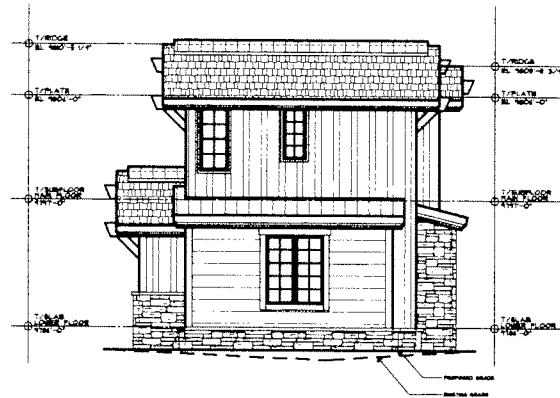
PROJECT # 0102  
**A5**



2  
A  
NW GARAGE ELEVATION



3  
A  
SE GARAGE ELEVATION



4  
A  
SOUTH ELEVATION



150 BOX HOPE  
BRECKENRIDGE, COLORADO 80401  
761 534-8800  
FAX 761-534-8801  
CALL 877-534-8800  
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MURPHY RESIDENCE  
LOT 60 STOCK HILL SUBDIVISION  
BRECKENRIDGE, COLORADO

EXTERIOR ELEVATIONS  
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ISSUE	DATE
PLANNING	12 NOV 2010

PROJECT # 0903  
**A7**

## Planning Commission Staff Report

Project Manager: Michael Mosher, Planner III

Date: November 23, 2010 (for December 7, 2010 Meeting)

Subject: Columbia Lode Master Plan (Third Preliminary - “Worksession” format)  
(Previous meeting was a Second Preliminary on August 17, 2010)

Applicant/Owner: B&D Limited Partnership, Inc., Jon Brownson

Agents: bhh Partners – Planners / Architects (Marc Hogan and Tim Gerken)

Proposal: Master Plan for 24 residential units per an approved Development Agreement made with Town Council. The proposal is for 21 market-rate units in duplex and single family form with two workforce units (duplex) on the lower portion of the site. The existing single family unit of density (the 24th) is located on the west facing slope above the multi-family development site. Master Plan Notes are proposed for the entire development. The original Breckenridge Building Center (BBC) buildings and lumber yard will be demolished. The original site grading will be restored with future development. After final approval of the Master Plan, each building will be submitted for review under individual Class C applications. (The original exhibit for the Development Agreement is attached.)

Address: 400 N. Main St.  
(Multi-family and Single Family will have new addresses off of private drive accessed from French Street)

Legal Description: Parcels A – D per the Development Agreement (Re-subdivision at future meeting)

Site Area: 7.65 acres (332,830 sq. ft.) Total

Land Use District: Land Use Districts 1, 4 and 11 as identified in the Development Agreement.

Site Conditions: The property currently contains the older, and empty, BBC building and lumber yard. The site is heavily disturbed and re-graded with little improvements or vegetation. The termination of the Klack drainage bisects the remaining unimproved property to a storm drain vault near Main Street and natural Lodgepole pines flank the rising slope to the east.

Land Use Districts: Land Use District 11:  
Land Use Type: Residential  
Intensity of Use: 12 UPA  
Structural Type: Special Review

Land Use Type: Commercial  
Intensity of Use: 1:3 FAR  
Structural Type: Special Review

Land Use District 1:

Land Use Type: Low Density Residential. Recreational

Intensity of Use: 1 Unit per 10 Acres; except land located in the East Side Residential Transition Area may be built to a recommended aboveground density of 13.5 Units per Acre.

Structural Type: Special Review

Land Use District 4:

Land Use Type: Limited

Intensity of Use: 1 Unit per 10 Acres

Structure Type: Special Review

Adjacent Uses: Main and French Street Right of Ways (ROW).  
Single family residential to the east and north.  
Summit County and Town of Breckenridge Boundary to the north.

Item History

The Town Council reviewed and processed a Development Agreement with B&D Limited Partners in the fall of 2009. The agreement allows, with Planning Commission and Town Council approvals, form limited density to be reallocated from LUD11 into LUDs 1 and 4 and specifically for the relocation of 1 SFE of existing Single Family density to a new location at the north end of the site in LUD1. The Development Agreement stated the review process is for density reallocation and use. The Agreement provides that, like any master plan, there is no guarantee that the requested density would fit on the site. The Development Agreement also stated that the general layout of the proposal was to follow a bubble diagram loosely showing where density would be placed. And, as with any review process, the proposal must pass a Code based point analysis in order to be approved by the Planning Commission and the Town Council. Per the recorded Agreement:

“As owner of the Property, Developer has the right to propose a master plan for the phased development of the Property, to request the reallocation of density among the different Land Use Districts included within the Property, and to enter into agreements with the Town concerning such master plan for the Property and such a density reallocation.”

Additionally:

“1. The Town’s Planning Commission is hereby authorized to review and approve, subject to compliance with all other applicable development policies of the Town, an application for a master plan for the Property providing for:

(a) one (1) SFE of density for a single family residence to be relocated from the large existing Lot 1, Corkscrew Subdivision Filing No. 1, with a large building envelope and located within LUD 4, to a smaller lot, with a smaller building envelope and located in the **most northerly portion of the Property within LUD 1;**

(b) the 48,384 square feet of density allowed to be completely above grade within the LUD 11 area of the Property to be allocated or spread between the LUD 11 area of the Property and the western portion of the LUD 4 area of the Property, not to include the steeper slopes of the LUD 4 area, all as generally depicted on the Land Use Plan labeled as SP-21L.U.P. attached hereto as Exhibit B; and

(c) in connection with such approval, for no negative points to be assigned for the location or relocation of such density into LUDs 1 or 4.”(Highlight added)

Since this proposal has been reviewed with the Planning Commission, the applicants, based on direction from the Commission, have modified the original layout of the site. The single family home-site has been placed back to the southern end of the property, new base site grading plan has been added averaging the slope of the disturbed portion of the site, and the overall development area for the multi-family buildings has been located closer to Main Street. After this review, the applicant intends to return to the Town Council to modify the original Development Agreement with these changes. After the Development Agreement modification, the applicant will return to the Planning Commission for further review of the Master Plan.

### Changes since the August 17, 2010 Worksession

Addressing concerns expressed from the Commission, Staff and neighbors, the applicants have modified the site plan layout.

1. The location of single-family lot (no longer shown at the north end of the site), has been modified slightly.
2. The Master Plan Notes have been refined.
3. New civil drawings have been included. Sheet MP-3 will establish the grade to which building heights shall be measured.
4. "View Corridors" are delineated on the site plan.
5. A memo, from the Town Engineering Department, regarding the traffic study and site vehicular circulation, is included.
6. The public trail alignment has been modified (with Open Space and Trails Department input) according to the new site design. A portion of the south end of the trail crosses Lot 1, Block 2, Weisshorn Subdivision (220 Briar Rose Lane). The north end of the trail exist onto Gold Flake Terrace through an easement on the south edge of Lot 22, Block 2, Weisshorn Subdivision (305 Royal Tiger Road). Necessary easements and agreements will be processed at Subdivision.

### Staff Comments

Similar to the last hearing, the applicant and agent have requested that this hearing again be conducted in a 'worksession' format for ease of conversation (questions and answers). We note that the advertising and posting of this hearing has followed all required processes as if it were a Class A, Third Preliminary hearing, not a worksession.

The reason for a worksession format is to obtain Planning Commission feedback on the Master Plan set and verbal approval to allow the applicant to return to Town Council in order to modify the existing Development Agreement based on Commission feedback. After the Commission review and general approval of these changes, the applicant will go back to the Town Council for Development Agreement to be modified and the applicant will then return to the Planning Commission to finish the review of this Master Plan.

Summarizing the last few meetings; The Planning Commission was generally supportive of the new site design including:

1. Moving the multi-family development and roadway further west on the site. This reduced overall site grading (cut and fill), reduced the size of the park located at the corner of Main Street and French Street and lowered the elevation of the private drive through the proposed development.



2. The relocation of one SFE from the east side of the private drive to the west side to loosen the intensity of development along the up-hill portion.
3. The relocation of the single-family lot to the south end of the property instead of the north end of the property. This includes the new access drive to the home-site from the private drive within the development.
4. Adding fill to the previously disturbed portion of the site to average the grade for the purpose of measuring building height.

Indirectly (from conversations with the adjacent homeowners and agent), Staff has learned that the neighboring properties are also generally supportive of the new site layout. We've also heard general support for the proposed Master Plan notes as they relate to the architectural character of the overall development.

This report will review the Development Code policies associated with this Master Plan. All future development applications will be subject to those policies in the Development Code not reviewed here.

Land Use (Policies 2/A & 2/R): The site lies within three Land Use Districts (LUD), 1, 4 and 11. As part of the Development Agreement with Town Council, limited density is authorized to be placed in LUDs 1 and 4.

From the Guidelines:

#### LUD 11

##### Desired Character and Function

District 11 functions as the northern entrance to the traditional Town core. As such, smaller structures are preferred. It is expected to remain a mixture of uses. Commercial and residential uses are acceptable, although these should be pedestrian and tourist oriented. Lodging uses are a preferred residential uses. Since it is a significant Town entrance, design elements will be closely reviewed. Uses should feature a landscaped setback, rather than parking between the building and Main Street.

##### Acceptable Land Uses and Intensities

Land Use Type:	Residential
Intensity of Use:	12 UPA
Structural Type:	Special Review

Land Use Type:	Commercial
Intensity of Use:	1:3 FAR
Structural Type:	Special Review

##### General Design Criteria

##### Historic/Architectural Treatment

For the portion of this District within the Historic District, development should be in accordance with the Historic District Standards. Preservation of historic structures is highly encouraged, and new construction should be compatible with the District's historic character. **For areas outside the Historic District, architecture compatible with the historic character of the District is preferred.** (Highlight added.)

The proposed Master Plan follows the density and architectural treatment suggested in the LUGs. Through the Development Agreement, the density is being created as multi-family instead of a lodge. As a result, no negative points are suggested.

The lone single-family unit of density existed on the property as part of an earlier subdivision (within LUD 4) and is “grandfathered” into the development. The Development Agreement has addressed this and stated that no negative points are to be incurred for this home site in this LUD. Staff has no concerns.

Density/Intensity (3/A & 3/R)/Mass (4/R): The overall Density and Mass for the project is part of the Development Agreement with Town Council. As mentioned above, the overall density abides with that allowed per the Land Use Guidelines for LUD 1, 4, and 11. Staff has no concerns.

Architectural Compatibility (5/A & 5/R): As part of the Master Plan, specific design guidelines are included to guarantee continuity of all future development on the property. All of the proposed notes conform to the criteria identified in Policy 5.

Extra descriptions regarding specific design criteria beyond what Policy 5 identifies are in the Master Plan notes. (See attached.) Examples are: the architectural character of the units closer to Main Street vs. the units above the private drive, the requirement for a Colorado licensed architect for the development and any future changes to any buildings, and massing and material details. Staff has no concerns.

Building Height (6/A & 6/R): Per the definition of Building Height Measurement within the Development Code:

*In the case of non-natural or highly irregular topography due to past mining impacts or other man-made impacts within the existing site development area (see illustration below), an average slope may be used.*

At the last hearing, staff suggested that this provision of the Code could be used in this case since the property is so heavily damaged from past impacts (mining and original lumberyard). The Planning Commission and Staff were supportive of establishing a ‘new’ average grade for the lower portion of the site. The sheet (MP-4) depicting the new grading is included as part of the Master Plan and will function as the exhibit for the existing grade for all future development. Staff is supportive of the proposed grading plan. We have no concerns.

Site and Environmental Design (7/R): Since the major part of the site grading is occurring in the previously disturbed area with no vegetation (see above), Staff believes that this Policy is not applicable for the assignment of points. Does the Commission concur?

Ridgeline and Hillside Development (8/R): The only density placed on a steep hillside is the large single family lot. This is roughly where the original building envelope was platted. Staff has heard general support for placing the new disturbance envelope further down the hill as currently shown. The Master Plan notes for the Single family site also identify the need to meet Absolute Policy 8 in the design of the home. Details will be reviewed with future development permits.

Placement of Structures (9/A & 9/R): To be reviewed with future development permits.

Snow Removal and Storage (13/R): To be reviewed with future development permits.

Access / Circulation (16/A & 16/R; 17/A & 17/R): The proposed private road location and traffic impacts has been reviewed by Engineering and Public Works Staff and has tentative approval (see attached memo from Shannon Smith). Staff will review the road in detail at a future meeting with the subdivision review.

Parking (18/A & 18/R): Based on the initial layout, we have no concerns with the design as it relates to this policy. To be reviewed with future development permits.

**Landscaping (22/A & 22/R):** To be reviewed with future development permits.

**Social Community / Employee Housing (24/A & 24/R):** The Master Plan indicates that of the total allowed density (48,384 square feet) 2,180 square feet, or 4.51% of the total density is to be provided. This housing may not be required to obtain a passing point analysis and, therefore, the Master Plan may provide that the employee housing is permitted but not required.

**Utilities Infrastructure (26/A & 26/R; 28/A):** Sheet MP-4 delineates the preliminary utility plan for the multi-family development. Staff has no immediate concerns. More detail will be reviewed at the next meeting

**Drainage (27/A & 27/R):** Sheet MP-3 depicts the preliminary drainage and infrastructure plans for the development. Staff has no immediate concerns. More detail will be reviewed at the next meeting

**Point Analysis (Section: 9-1-17-3):** Staff has analyzed this Master Plan against the applicable policies of the Development Code and found, in conjunction with the Development Agreement, it has met all Absolute Policies and has not been awarded any positive or negative points under the applicable Relative Policies. A formal point analysis will be included at final review.

### Staff Recommendation

After this hearing, Staff is planning to take the Development Agreement back to Town Council to reflect the changes that are suggested by the Planning Commission. Upon the approval of the modification, we will return to wrap up the final issues with the Master Plan for Columbia Lode.

1. We ask the Commission if you are supportive of not awarding negative points under Policy 7/R, Site and Environmental Design, as a result of averaging the slope of the hill in the previously disturbed area?
2. Does the Commission have any comments regarding the Master Plan Notes?
3. Does the Commission have any comments on the vehicular circulation and traffic study?

We welcome any additional comments.

# Memorandum

Date: November 10, 2010

To: Planning Commission

From: Engineering Department Staff

Re: Columbia Lode Master Plan- Traffic Study

## Introduction

A Traffic Impact Analysis for the Columbia Lode redevelopment was submitted by LSC Transportation on behalf of B&D L.P. Traffic was evaluated for current conditions, year 2012, and year 2030. The proposed changes to traffic circulation include a private road through the development, connecting Main Street and French Street, and the addition of a right turn lane for westbound traffic on French Street.

Staff has reviewed that traffic analysis and supports the recommendations of the traffic consultant. We believe it is a good planning and safety measure to have two accesses into the development rather than a one entrance with a cul-de-sac. The primary access for the project onto the lower volume French Street allows for safe protected turning movements onto Main Street at the signal. The access on Main Street will be a 3/4 movement (no left out).

Additionally, at the request of the Town, two alternative intersection configurations of the French/Main intersection were analyzed: 1) Allowing for free right-turn lanes in both directions on French St., and 2) a roundabout.

## Existing Traffic Circulation

Currently the site is accessed from multiple driveway cuts on the eastside of Main Street. and has no access from French Street. As part of the traffic study, LSC also examined the existing level of service of the Main/French intersection adjacent to the Site to compare to traffic conditions after development. Level of service (LOS) is a qualitative measure of traffic operational conditions, based upon roadway capacity and vehicle delay. LOS is described with a letter designation from A to F, with LOS A representing a near free-flow travel condition and LOS F representing gridlock conditions. The intersection of French Street and Main Street, adjacent to the site, currently operates at a LOS C or better.

## Proposed Traffic Circulation

As part of the development, a new private road is proposed through the development connecting French and Main Street. The access to French St. is proposed as full movement, and the access onto Main Street as a 3/4 movement (no left out). LOS at the new access points were modeled to be LOS C or better for 2030.

A right-turn lane will be added for west-bound traffic on French Street (vehicles turning to head north on Main Street), increasing efficiency of the intersection with minor changes to the infrastructure. Based on the traffic analysis, right turns represent a majority of the WB traffic on French St at the intersection. Sufficient right-of-way (ROW) will be dedicated by the developer for construction of the right turn lanes at the time of subdivision. Intersection LOS was modeled as C for year 2030.

### Evaluation of Intersection Improvements at French St. And Main St.

At the request of the Town, LSC evaluated two additional intersection configurations for the French/Main intersection:

1. Create free right turn lanes for both westbound (WB) and eastbound (EB) traffic on French St.
2. Constructing a roundabout to replace the traffic signal.

The existing lane geometry of the intersection is a combined right/through lane and a free left turn lane for both EB and WB traffic on French Street.

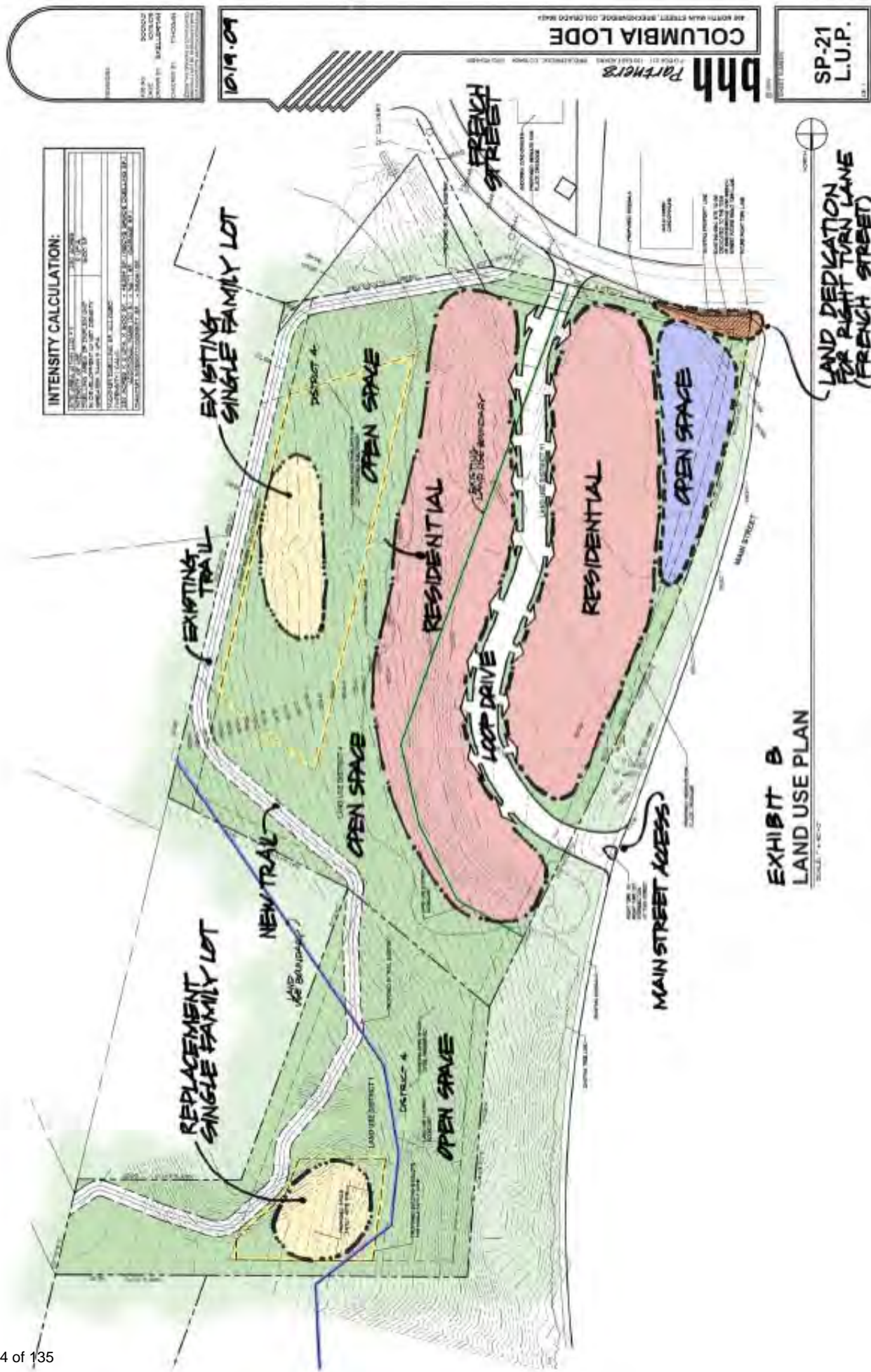
Option 1: In order to fit a right turn lane for EB on the existing road section and bridge, the left and through lanes must be combined. In turn, the left and through lanes for WB traffic must be combined to maintain lane alignment through the intersection. This intersection design resulted in degradation of traffic at the intersection, with a LOS E on Main St. during peak conditions due to the required traffic signal cycle for this lane configuration. If a free right turn becomes desirable for EB traffic on French, significant investment in infrastructure will be required to add a lane on the bridge over the Blue River.

Option 2: LSC analyzed the functionality of a roundabout at the French/Main intersection. In the short term, LOS for the roundabout improves to LOS A; however, over the long term horizon, the LOS for the roundabout during peak conditions is the same or worse than a signalized intersection.

The constructability of a roundabout at the intersection of French and Main is impacted by the Blue River to the west and Gold Creek condominiums in the southeast. The location of the condos pushes the footprint of the roundabout to the west and into the river, resulting in a significant increase in the cost to construct as well as possible environmental impacts to the river during construction.

### Recommendations

Staff recommends the private road through the development be constructed as proposed with full movement at French St and a 3/4 movement at Main Street. The addition of a right turn lane for WB traffic on French St is also supported to improve function of the Main/French intersection.



Comments from the August 17th meeting.

Mr. Allen opened the hearing to public comment.

Julia Regan, representing Mr. Eric and Mrs. Sue Politte (227 Royal Tiger Road): Just checking to see if the Commission received a letter via email to Mr. Mosher and to the Planning Commission. (Mr. Mosher confirmed that it had been handed out to the Commission at the beginning of the meeting and the Commission had read it.) Mr. Politte would likely support the single family house being located further south and west on the hillside.

Mr. Lee Edwards: I was concerned about the use of the remaining land if the single family envelope was moved south and is different than the Development Agreement. (Mr. Mosher: There is no remaining density on the property. Any remaining space will be Private Open Space.) Can I get more details of filling in the Klack? I think the Main Street units should take a character similar to Brittany Place, just down the street, would be a better presentation of housing for this application.

Mr. Gary List (315 Royal Tiger Road): I am supportive of moving the single family site to the south, as that would make it more “a part of the Town” anyway. I think that the ridgeline issues could actually be addressed better at its location in the middle of the hill as opposed to the ‘new’ southwest proposed location. I generally like the direction of the Commission’s discussions so far.

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

*Commissioner Comments:*

Mr. Bertaux:[Single-Family Envelope:] Support the move of the single family envelope to the southwest, to minimize visual impacts of the driveway. As the house is moved forward, to the west, it will be less visible and more cohesive with the development below. I understand Mr. Pringle’s concerns about a ‘wall of development’ on the multi-family portion of the development but believe this can be resolved with good design and by providing view corridors. Maybe look at keeping the historic grid all the way to the north-most units across the drive. This might relax the spacing even more of the upper units.

Mr. Schroder: Believe that as the single family envelope moves further south, it becomes a more a part of the new development, and less a ‘ridgeline development issue.’ I am supportive of the one upper unit of multi-family density moving to the west below. It will give the overall look of the buildings an appropriate fill. I support the presented project ‘facing the street’ giving it an old historic feel. Support the ‘grid’ as is.

Ms. Girvin: Not real supportive of the project as a whole, but, have to agree that moving the single family home to the south and west is a better decision. (The applicant asked what her ‘ideal use and layout’ for the site would be.) Feels as though this in not an appropriate use for such an important gateway community anchor to Town. Would like to see something completely different, such as a large and taller boutique hotel that could block the unsightly views of the Gold Creek condos. There might be density left on the site for a few more units towards the north. I do not support the drive design and the overall traffic proposal. Would like to see the access moved to the east for a safer entry/exit. (It was noted that this would be off the applicant’s property.) Would like that pocket park moved to the north to act more as a buffer. From a community needs standpoint, I have a very different vision for this property. (Mr. Hogan: I am glad to hear that Ms. Girvin has a visionary plan that may be a good one. We have studied a similar situation. If it weren’t for the shoulder seasons for our seasonal tourist community, it might be work. Economically, it is just not

viable.) (Mr. Tim Gerken, bhh Partners: Thank you for your thoughtful comments, however, there are so many factors, not only economics that prevented the developers from going in this general direction. Addressing the ‘wall of development’; there are ‘walls of development’ all around town in the historic district, that this will not be the only one, that that is the nature of our Town.) Addressed the concerns about the appearance of the project during construction. Will it look like Vista Point before it was built? Full of weeds? That’s not what we want. (Mr. Hogan: Landscaping with vegetation and wild flowers prior to site building, for aesthetics, then re-vegetated after completion of building.)  
[Moving One Unit from the East to the West side:] I like the idea of creating openings between the buildings as you look across the site.

Mr. Pringle: [Single-Family Envelope:] Agreed that Ms. Girvin had a great idea of a starting over with a clean slate and a completely different application. I see this being similar to the Main Street Junction property. A wall of development. Also, the Main Street Junction development is not being used to its fullest. But as for this application, there are still building grading issues, along with preserving the natural background of trees. The lower development blocks all of the scenic backdrop anyway. You could easily place more density on the steeper slopes with little visual impact from Main Street. I do not like the driveway off French Street where it is. This gets too icy in the winter. You need four-wheel-drive here all the time. This is too dangerous. It is on a downhill slope and on a curve. Add another full movement driveway to Main Street. I do not like the idea of adding more cars, people and congestion on this already dangerous corner. Who approved the current site circulation? Why are we left out of the discussion? (Mr. Hogan: We have met with Engineering and the Red White and Blue several times and have followed their direction. This layout serves the development, the Town and the Fire Department the best. (Mr. Mosher and Mr. Neubecker: Let’s save the traffic study for future hearing.)

[Proposed Driveway Location:] Does not approve of the proposed driveway location.

[Moving One Unit from the East to the West side:] Support moving the single family lot to the south and west. It will make it just look like more development. The upper units are still too tight. The lower may be too tight too.

Mr. Lamb: [Single-Family Envelope:] Agreed to move the single family lot to the south.

[Moving One Unit from the East to the West side:] I like the overall staggering of buildings to create a quaint, historic looking site. I live in the Historic District. I’m not concerned with this issue of ‘wall of development’ because that is exactly what it is, as we are an historic Town and this matches the intensity of the District.

Mr. Wolfe: [Single-Family Envelope:] Agree with Mr. Schroder.

[Moving One Unit from the East to the West side:] I like the move, but am concerned about the prominence of the site, and suggest it needs to have a fence or something to transition into the historic district when driving or walking South. (Mr. Mosher agreed to help review the past public hearing drawings and issues before the next review.)

[Pocket Park:] I am also concerned that the proposed green space will become a public park, which does not belong here.

Mr. Allen: [Single-Family Envelope:] Agreed with moving the single family envelope to the south. Agreed that the house was previously ‘ridgeline’ development. Supported using similar materials, as well, to help blend it in to the other development.

[Moving One Unit from the East to the West side:] Supported this move.

[Driveway:] Supported the turn somewhere around buildings six (6) or seven (7).

[Pocket Park:] I am glad that there is a pocket park. Green space is needed.



Commission agreed that traffic, the trail location and architecture of the single family home and its design restrictions should be addressed at further hearings. Mr. Pringle and Mr. Allen would like to see a streetscape with several elevations directly from Main Street, as well as neighboring properties.

**MASTER PLAN NOTES/ ARCHITECTURAL GUIDELINES - TRACT 'A'**

Columbia Lode  
Master Plan  
Architectural Guidelines  
10/2010

**Architectural Guidelines:**

**A. Professional Design Assistance:**  
Samples of typical unit plans and elevations for each group of styles have been developed by bhh Partners Planners + Architects as design guides. See Master Plan approval sheets (11-13) dated 10/20/10. Individual unit plans and elevations will be refined and modified from these plans to ensure a balance between real estate market demands, architectural variety and compatibility of forms.

**B. Design and Configuration:**  
Each building will be individually reviewed and approved by the Town of Breckenridge through the Class C permit process. This will allow input from the Community Development Staff, Planning Commission and Town Council to ensure architectural variation.

2. The Development Agreement approved by the Town of Breckenridge Town Council dated 10/20/10 identifies vesting and conditions for the project observations.  
3. This subdivision is not within the Breckenridge Conservation District boundary, and does not seek to replicate Breckenridge historic architecture. The architectural design will reflect existing and roof forms found in the Conservation District, but may use contemporary materials, window patterns and exterior details to make the new homes a product of the modern time.

4. Architectural variety is important to the success of this development. When similar unit types are adjacent to each other a combination of unique exterior elements will be used to create variety and avoid excessive similarity. Varying exterior elements include: varying window, roof forms, materials, door treatments, window patterns, etc. patterns and colors.

5. Units to the west of the subdivision, adjacent to Main Street, will be in general compliance with approved Master Plan design standards. The units should have architectural details that suggest the Main Street houses (such as windows on the front of the home). Traditional front doors are not required in that the building entries are located on the split side of these structures. This is a reflection of homes along Main Street and within the Conservation District and will be referred to as "Main Street Character". Homes that do not appear to have their backs facing Main Street, Main Street frontages shall allow architecturally compatible second level decks with roof tops or parapets.

6. Units to the east of the subdivision, away from Main Street, will have a mountain-ming style in general compliance with approved Master Plan design standards. Since these homes are not along Main Street, they do not have to adhere to Historic Conservation District Main Street Character.

7. Built units will be based upon the samples of typical unit plans and elevations from the approved Master Plan but are allowed to be customized and vary in size.

**C. Building Height and Massing:**  
1. Building height measurements shall be measured utilizing the grading on Street \_\_\_\_\_ as "existing grade".  
2. Building height will include vertical clearance by utilizing forms that are lower at the sides of each of the units.

**D. Exterior Walls:**  
1. Single exterior planes of a single material shall be avoided. Recessed and projecting design elements such as bay windows, covered entry canopies, or porches shall be used to break up the wall planes to create architectural visual interest.  
2. Exterior wall materials may be natural wood, painted wood, cement siding, metal panels, solid shingles, painted PDB plywood or other materials approved by the Town. Ratings shall use wood, metal, or enclosed roof forms. Material materials are determined by the Town of Breckenridge Development Code and shall not exceed 75% of any one elevation's total surface area.  
3. It is encouraged to use colors on accent materials and secondary siding materials. These exterior material colors and tones values shall be in compliance with the Town of Breckenridge Development Code.  
4. When similar buildings are side by side, exterior walls shall not be identical. Variation in materials, material patterns, recessed and projecting design elements and building color are recommended used to distinguish exterior walls.

**E. Roofs:**  
1. Roof forms shall be simple and shall utilize gable configurations. Flat, roof and roofs, hip roofs and complementary forms. Flat roofs can be used as secondary access forms and should be clearly defined.  
2. Roof materials shall be non-reflective, heavy, finished composition oringles of fire resistant asphalt or shingles.  
3. When similar buildings are side by side, roof forms shall vary to make each building unique.

**F. Windows:**  
1. All homes shall use a unique old wood window. Corner windows, diamond windows and geometric multi patterns are encouraged.  
2. When similar buildings are side by side, varying window patterns are required.

**G. Entries and Exterior Doors:**  
1. Garage door locations shall alternate between front, rear and side load configurations where possible. Doors and their glassed panels and the wood clad patterns shall vary.  
2. Entry and garage doors shall be arranged and located to convey the feeling of single family residences where applicable.

**H. Solar Energy Systems:**  
Solar energy systems are encouraged, allowed and shall be planned into the design. Installation of these systems is at the discretion of the developer or owner of each unit. Rough-in of solar panels or solar photovoltaic tubes and be provided. Piping shall be in strict rectangular fields (4 sides maximum) and routed flush to the roof. All piping and/or conduits shall be concealed. If a Solar Energy System is provided, a separate submittal shall be provided to the town for planning review.

**I. Enclosed Porch, Screened, Deck:**  
1. All enclosed porches such as fabric screenings, deck screenings, wall screenings, wall vents, roof vents, metal enclosures, flues and chimneys shall be of an approved color and non-reflective. Enclosed flues, fire pipes are allowed if clearly detailed and painted a dark non-reflective color.  
2. When similar buildings are side by side, variation of material materials, chimney vents and/or flues is strongly recommended.

**J. Porches and Porch Screenings:**  
1. No building's total density/total of both sides of a duplex or one single family building shall exceed 3,000 square feet. (Garages are counted as mass and do not count toward the density).  
2. Built units will be based upon the samples of typical unit plans and elevations from approved Master Plan but are allowed to be customized and vary in their density by plus or minus 10%.

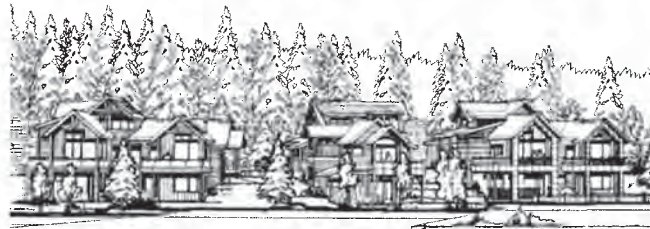
3. The total developers shall not exceed:  
Maximum Density = 48 Units/SF  
Maximum Mass = 58,000 SF /square footage provided in non-living spaces, such as garages that are located above two feet of finished grade, shall not count as mass.

**K. Landscaping:**  
All plantings shall comply with the Town of Breckenridge's landscaping ordinance and be per the Master Plan landscape plan. Boulder walls shall be finished in stone and, where provided, undecorated and finished in four-foot maximum height. All decorative boulders shall be buried by at least 50%.

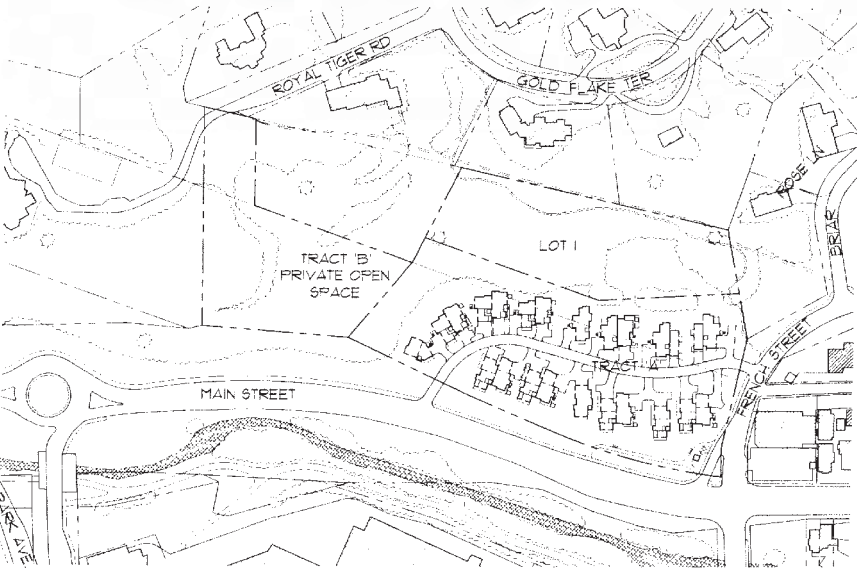
**L. Changes and Future Additions:**  
A Colorado licensed architect is required for all changes and future additions. No work shall be undertaken unless the routine maintenance and repair which will result in changes in the exterior appearance, including painting and staining, without prior written approval of the Architectural Committee approved by the Homeowners Association. In addition, a Development Permit from the Town of Breckenridge may be required.  
It may be possible for homeowners to provide edits and minor modifications to individual units as long as local approval is obtained and there is no change in density of the overall project. All units approved is required to include allocation of the density prior to application to the Town for development permit review. Additions and modifications shall strictly adhere to these guidelines. Allocation and fees to acquire the density is at the discretion of the developer and/or Columbia Lode Homeowner Association.

**M. General Codes and Regulations:**  
These guidelines shall be incorporated into the project's Covenants, Codes and Regulations, and the architectural guidelines as appropriate.

# COLUMBIA LODGE MASTER PLAN



**SAMPLE STREETSCAPE AT MAIN STREET**



**VICINITY MAP**

SCALE: 1" = 80'-0"

<b>OWNER:</b> LITTLE MOUNTAIN DEVELOPMENT, INC. JON A. BRANSON PO BOX 1024 BRECKENRIDGE CO 80424 (303) 461-0741 - OFFICE (303) 461-0338 - CELL	<b>ARCHITECT:</b> bhh Partners Planners and Architects 600 EAST ADAMS STREET #100 BOX 1024 BRECKENRIDGE CO 80424 (303) 461-4460 (303) 461-6888 - FAX	<b>CIVIL ENGINEER:</b> CANTON ENGINEERS, INC. KEN CURTIS 4005 1884 DR LOVELAND CO 80531 (303) 390-8429 - CELL (303) 323-0442 - OFFICE	<b>SURVEYOR 1:</b> ALLEN RIDGE CONSTRUCTION SURVEY, INC. RUSSELL E. LUGGON 2464 S. COUNTY RD. 316 DENVER, CO 80211 (303) 488-1463 (303) 732-3245 - FAX	<b>SURVEYOR 2:</b> ROSE ANCHORAGE LAND SURVEYING ROSE ANCHORAGE 1820 BOX 190 BRECKENRIDGE CO, COLORADO 80424 (303) 453-8442 - OFFICE (303) 453-8442 - FAX
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**SIGNATURE BLOCK**

The signature block shall contain a statement stating:  
Upon the issuance of a development permit by the Town of Breckenridge, with site plan and the grading upon the applicant, and the applicant's engineers and design, and such time as the Town has issued a final certificate of occupancy or a certificate of compliance in or to the issuance of a final certificate of occupancy or certificate of compliance, the plan shall not and cannot be reduced and validity of all existing permits and shall remain and limit the construction location, use, occupancy and repair on all land and structures shown the plan to all conditions, requirements, conditions and limitations set forth herein and in the development permit for this site. Additionally, individual or acceptance of this plan may be considered only in accordance with the Breckenridge Development Code. This document represents the entire understanding between the applicant and the Town of Breckenridge with regard to development rights and density resulting on the site.

Owner Signature \_\_\_\_\_ Date \_\_\_\_\_  
Architect Signature \_\_\_\_\_ Date \_\_\_\_\_  
Community Development Director Signature \_\_\_\_\_ Date \_\_\_\_\_

**ALLOWED DENSITY/MASS**

NET AREA WITHIN LOT #11	382 ACRES
DENSITY OF USE	3.0 UNITS/ACRE
MAXIMUM DENSITY OF DEVELOPMENT	1146 UNITS
MAXIMUM MASS OF DEVELOPMENT	66,840,000 LBS
MAXIMUM GARAGE DENSITY	1146 UNITS
MAXIMUM TRUCK DENSITY	1146 UNITS
MAXIMUM TRAILER DENSITY	1146 UNITS
MAXIMUM HORSE DENSITY	1146 UNITS
MAXIMUM OF DENSITY OF THE DEVELOPMENT UNITS IS 3.0 UNITS/ACRE	
MAXIMUM OF MASS OF THE DEVELOPMENT UNITS IS 66,840,000 LBS/ACRE	

**LEGAL DESCRIPTION**

CONCRETE SUBDIVISION PLN NO. 111 LOTS 1-13  
A PORTION OF THE COLUMBIA LODGE TRACT, 35.9  
AND THE GOLD FLAKE TRACT, 10.1  
ADD. N. MAIN ST.  
BRECKENRIDGE, COLORADO 80424

**LOT SUMMARY**

LOT 1 - SINGLE FAMILY HORSE SITE	LOT AREA: 8172 SF	186 ACRES
DISTANCE IN ENVELOPE:	134.0 SF	0.31 ACRES
TRACT A - COLUMBIA LODGE	LOT AREA: 1146 SF	0.26 ACRES
TRACT B - PRIVATE OPEN SPACE	LOT AREA: 18374 SF	0.42 ACRES

**SHEET INDEX**

MP-1	MASTER PLAN NOTES & VICINITY MAP
MP-2	MASTER PLAN & SITE NOTES
MP-3	BASE MAP GRADING PLAN
MP-4	UTILITY PLAN
MP-5	ILLUSTRATIVE SITE PLAN

REVISIONS:  
JOB NO: 800100  
DATE: 10/20/10  
DRAWN BY: T. GERSEN  
CHECKED BY: M. HOGAN  
DATE THIS DRAWING IS REVISIONED BY: (SEE ARCHITECT'S REVISION SHEET)

C.D.S. PLANNING 10/20/10

bhh Partners  
100 SOUTH MAIN STREET, BRECKENRIDGE, CO 80424  
COLUMBIA LODGE  
400 N. MAIN STREET, BRECKENRIDGE, COLORADO

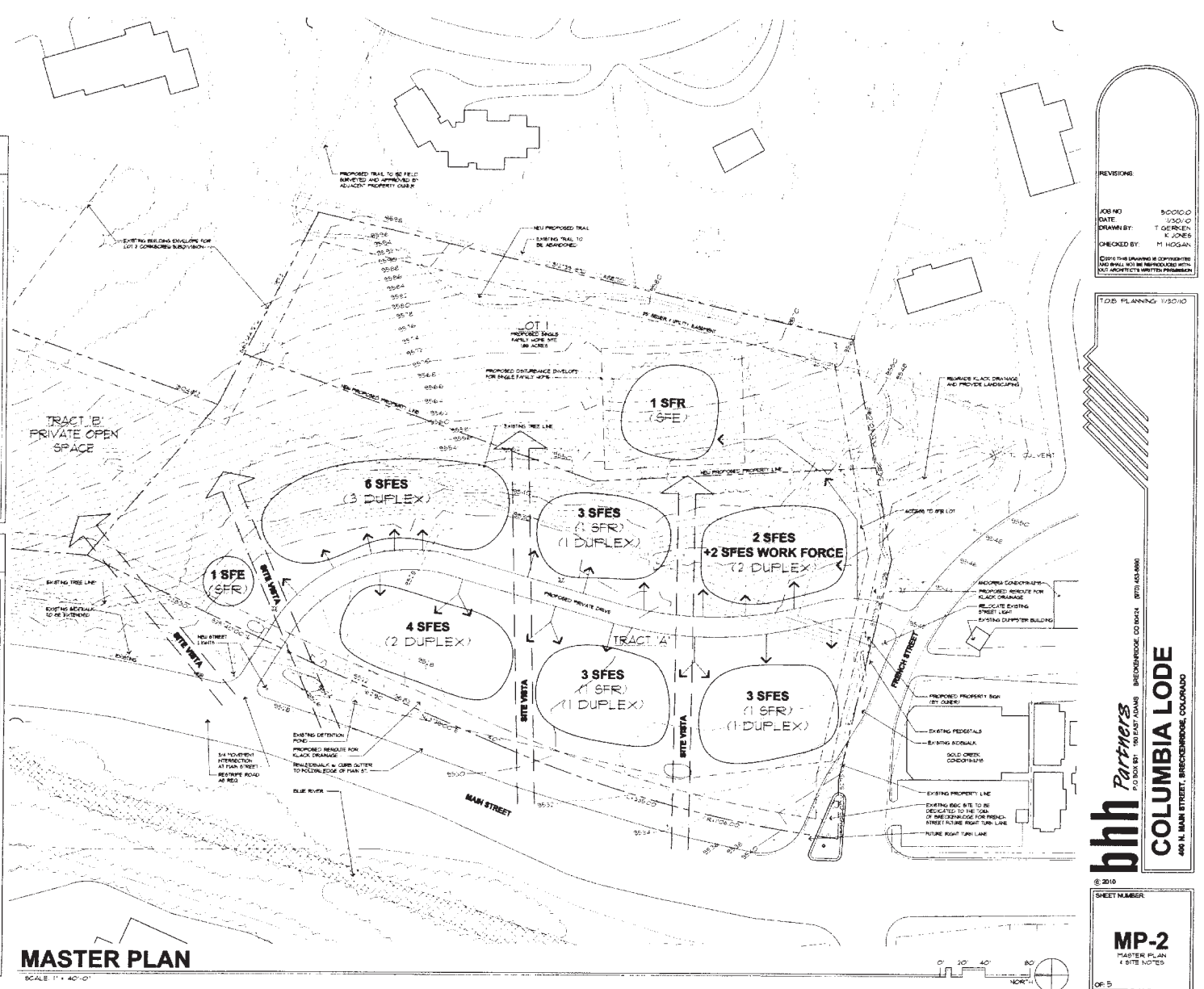
© 2010  
SHEET NUMBER  
**MP-1**  
MASTER PLAN  
NOTES & VICINITY  
MAP  
OF 5

### MASTER PLAN SITE NOTES

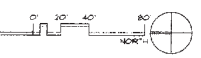
- Refer to development agreement dated \_\_\_\_\_ as approved by the Brackendale Town Council
- A. Slack Drainage**  
The Slack drainage shall be realigned underground in a 20" drainage easement from French St to Main St through the proposed development as shown.
  - B. French St Right Turn Lane**  
Property shall be dedicated to the Town of Brackendale to expand the right of way to a four (4) ft right turn lane off of French Street onto Main Street.
  - C. Easement Extension**  
The Main Street easement shall be extended to provide a continuous walk on the East side of Main Street to connect the North side of French Street (maintained by TOS) to Main Street. The easement shall be provided along the West side of the private drive to connect Main Street to French Street (maintained by Columbia Lodge HOA).
  - D. Flooded Park**  
Sediment retention and small landscaped park shall be provided by the developer at the Southeast corner of the property.
  - E. Private Drive Intersection**  
The private drive intersection with French Street shall be full movement designed to comply with the Town of Brackendale engineering requirements. The private drive intersections with Main Street shall be full movement (no left turn onto Main Street from private drive) designed to comply with the Town of Brackendale engineering requirements. Resurfacing of Main Street shall be provided by the developer (no spatial expansion of Main Street is required) the private drive shall be maintained by Columbia Lodge HOA.
  - F. Open Space**  
Tract "B" shall be private open space to be maintained by the Columbia Lodge HOA.

### MASTER PLAN/ARCHITECTURAL GUIDELINES - LOT 1

- COLUMBIA LODGE**  
Master Plan  
Single Family Home Site  
Architectural Guidelines  
1/1/10
- Single Family Home Site Architectural Guidelines**
- A. Professional Design Assistance**  
The Columbia Lodge Single Family Home shall be designed by a Colorado Licensed Architect.
  - B. Design and Configuration**
    1. The home will be reviewed and approved by the Town of Brackendale through the Class C permit process. This will also need from the Community Development Staff, Planning Commission and Town Council to ensure Architectural variation.
    2. The driveway will give access from the south through the new access road.
    3. The design of the home shall comply with the Town of Brackendale Development Code Policy 8.1 regarding the and window Development.
  - C. Building Height**  
The overall building height of the home shall be limited to 32'-0" as defined by the Town of Brackendale Development Code.
  - D. Solar Energy Systems**  
Solar energy systems are encouraged, allowed and shall be planned into the design. Installation of these systems is at the discretion of the developer or owner. Receipt of solar credit on solar production system shall be provided. Panels shall be on an east-west side (4 side west) and mounted flat on the roof. All piping and/or conduit shall be concealed. If a Solar Energy System is provided a separate submittal shall be provided to the town for planning review.
  - E. Fencing and Proposed Vegetation**
    1. Trees existing on site help to screen the proposed home location. These trees shall remain intact as long as they are healthy, well-maintained and do not endanger the property owner or general public. Diversification in planting of evergreen trees is encouraged.
    2. As part of Class C development review new trees shall be provided along the west side of the Single Family home site to help screen the view of the home from Main Street.



**MASTER PLAN**  
SCALE: 1" = 40'-0"



REVISIONS	
JOB NO.	50010
DATE	1/20/10
DRAWN BY	T. GIBSON
CHECKED BY	K. JONES
	M. HOGAN

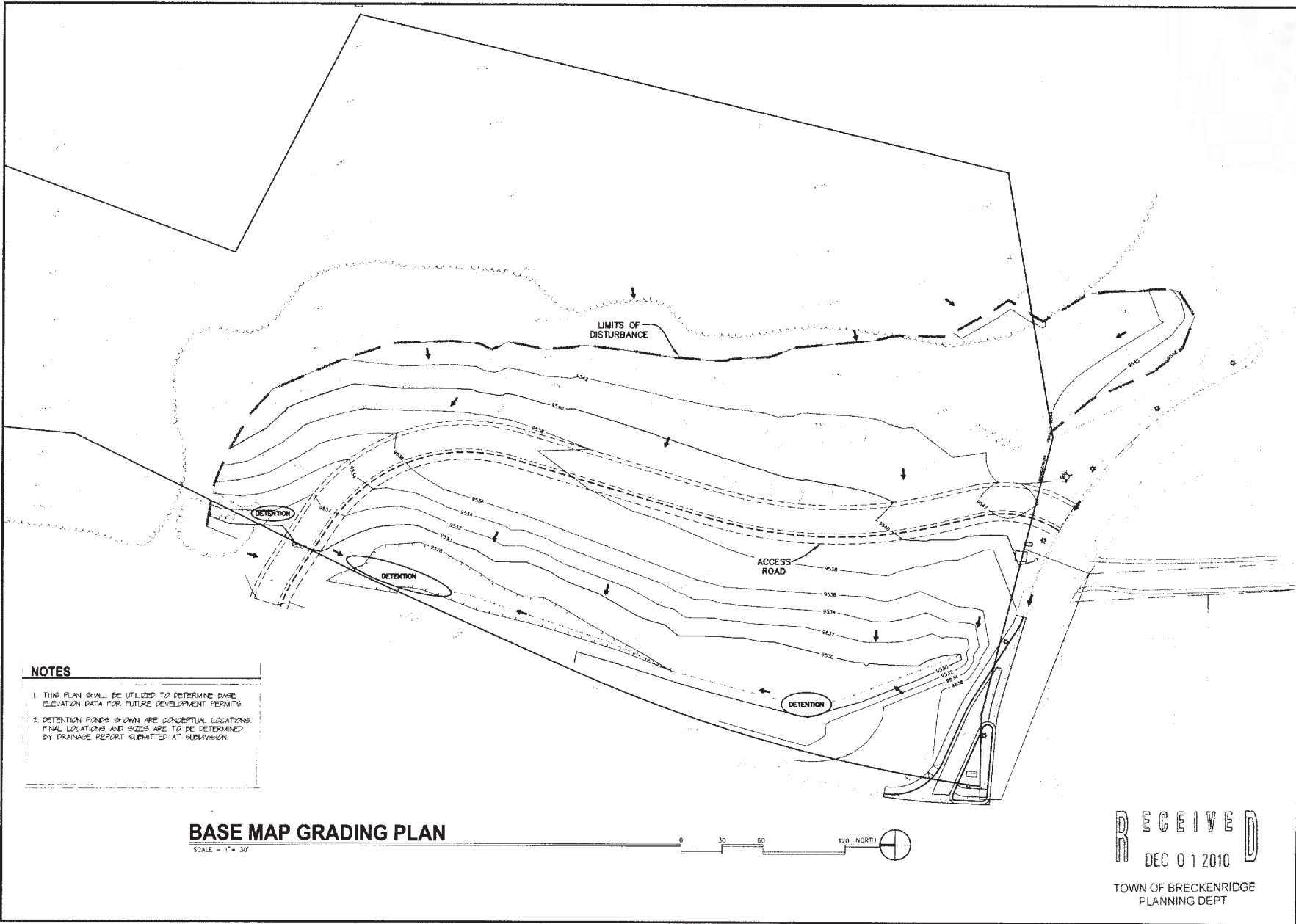
DATE THE DRAWING IS CONSIDERED VOID SHALL NOT BE REPRODUCED WITH OUT ARCHITECT WRITTEN PERMISSION

T.O.B. PLANNING 1/10/10

bhh Partners  
 160 EAST AVENUE  
 BRACKENDALE, COLORADO 80714-6588  
**COLUMBIA LODGE**  
 400 N. MAIN STREET, BRACKENDALE, COLORADO

© 2010  
SHEET NUMBER  
**MP-2**  
MASTER PLAN  
1 SITE NOTES  
OF 5

**COLUMBIA LODGE**



**NOTES**

1. THIS PLAN SHALL BE UTILIZED TO DETERMINE BASE ELEVATION DATA FOR FUTURE DEVELOPMENT PERMITS.
2. DETENTION PONDS SHOWN ARE CONCEPTUAL LOCATIONS. FINAL LOCATIONS AND SIZES ARE TO BE DETERMINED BY DRAINAGE REPORT SUBMITTED AT SUBMISSION.

**BASE MAP GRADING PLAN**

SCALE = 1" = 30'

**RECEIVED**  
DEC 01 2010

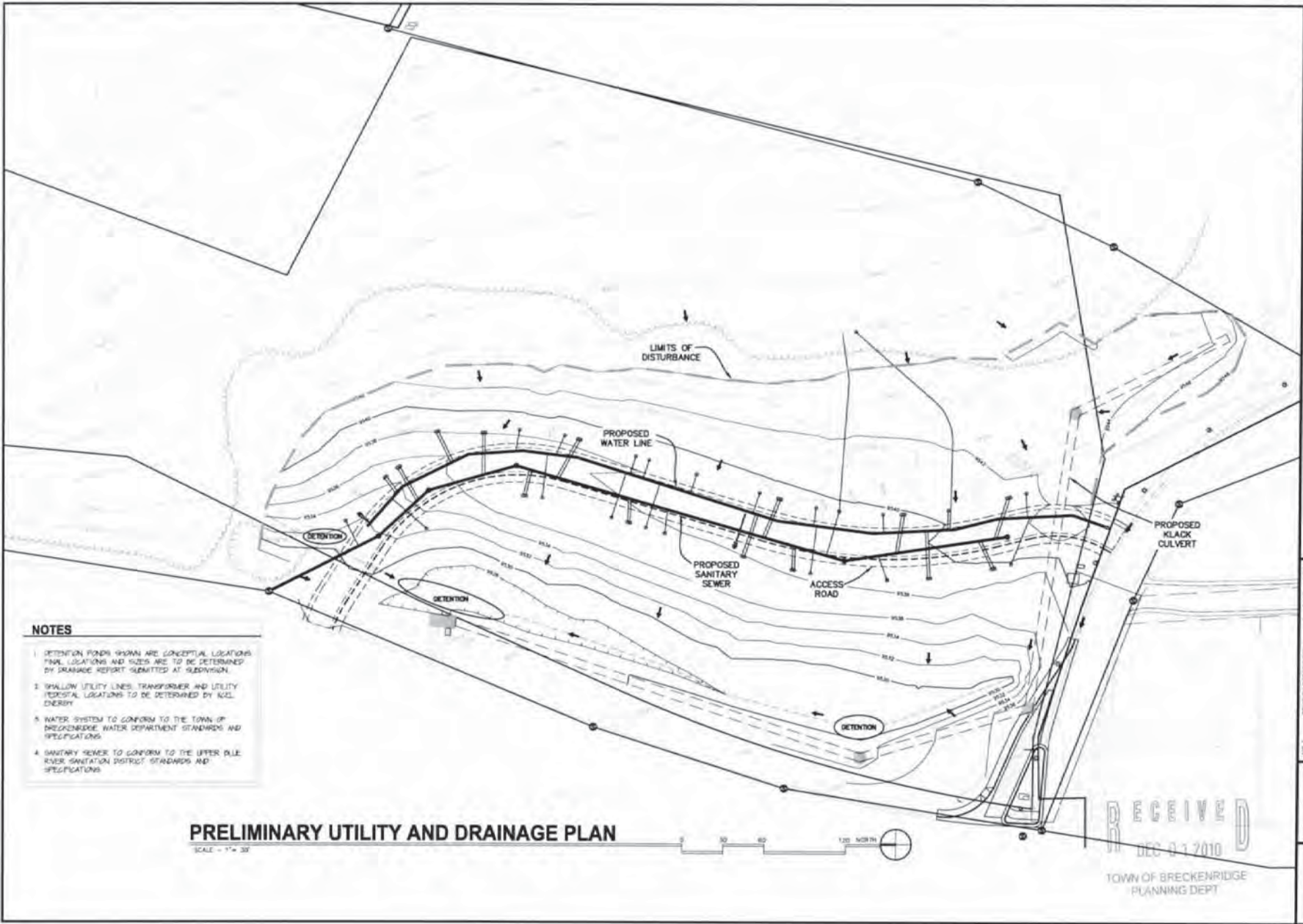
TOWN OF BRECKENRIDGE  
PLANNING DEPT

NO.	REVISION DESCRIPTION	DATE	BY

DATE: 11-30-2010	DESIGNED BY:	CHECKED BY:	JOB NO.: 23004
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**MP-3**  
BASE MAP GRADING PLAN

**COLUMBIA LODGE**



**NOTES**

1. DETENTION PONDS SHOWN ARE CONCEPTUAL LOCATIONS. FINAL LOCATIONS AND SIZES ARE TO BE DETERMINED BY DRAINAGE REPORT SUBMITTED AT SUBDIVISION.
2. SHALLOW UTILITY LINES, TRANSFORMER AND UTILITY PEGGING LOCATIONS TO BE DETERMINED BY SOIL ENERGY.
3. WATER SYSTEM TO CONFORM TO THE TOWN OF BRECKENRIDGE WATER DEPARTMENT STANDARDS AND SPECIFICATIONS.
4. SANITARY SEWER TO CONFORM TO THE UPPER BLUE RIVER SANITATION DISTRICT STANDARDS AND SPECIFICATIONS.

**PRELIMINARY UTILITY AND DRAINAGE PLAN**

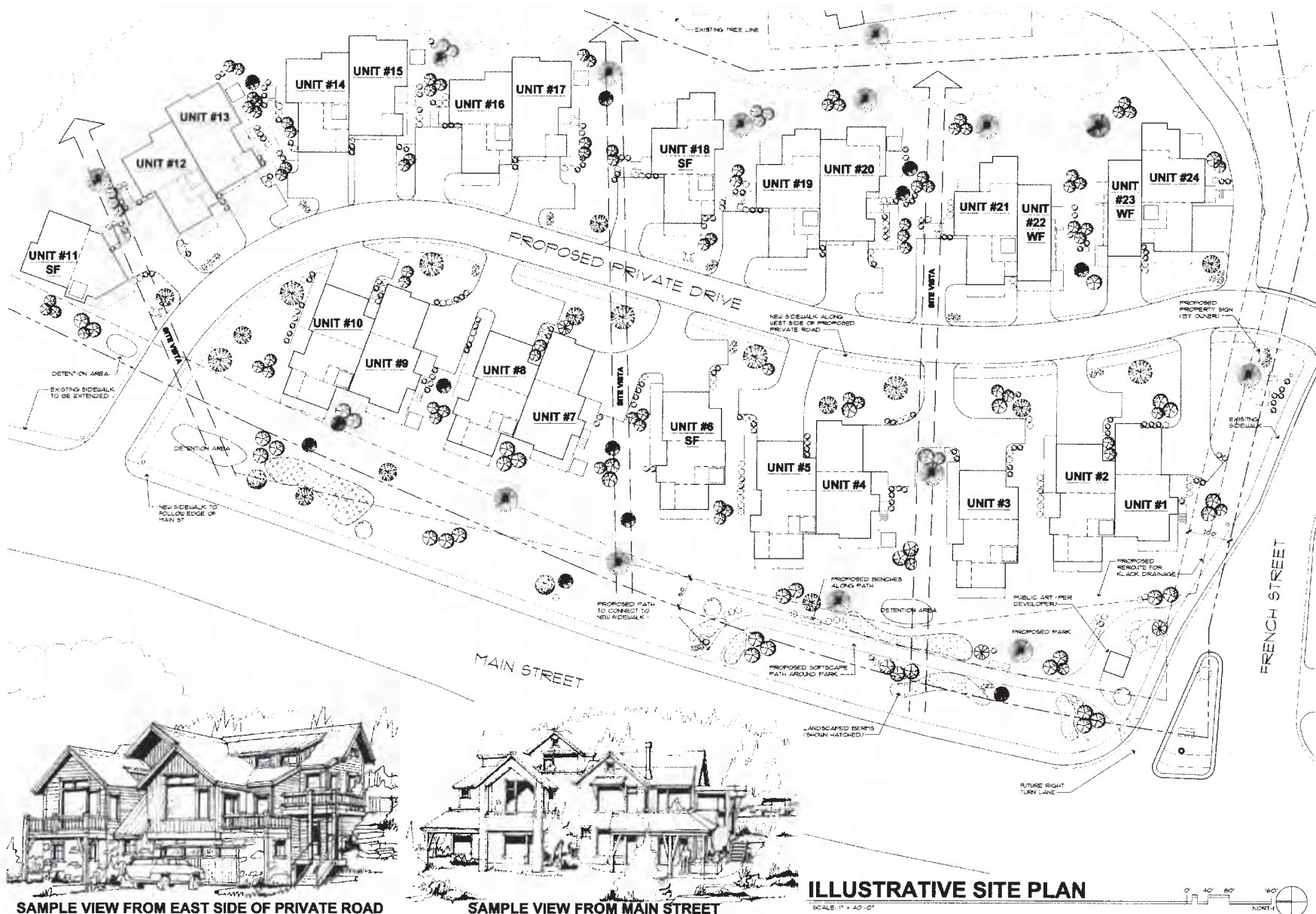
SCALE - 1" = 30'

RECEIVED  
 DEC 01 2010  
 TOWN OF BRECKENRIDGE  
 PLANNING DEPT

NO.	REVISION DESCRIPTION	DATE	BY

DATE:	11.18.2010
DESIGNED BY:	
CHECKED BY:	
JOB NO.:	23004

**MP-4**  
 PRELIMINARY UTILITY  
 AND DRAINAGE PLAN



REVISIONS

JOB NO: 500100  
 DATE: 11/30/10  
 DRAWN BY: T. GERKEN  
 CHECKED BY: M. HOSAN

NOTE: THIS DRAWING IS COPYRIGHTED AND SHALL NOT BE REPRODUCED WITHOUT ARCHITECT'S WRITTEN PERMISSION.

T.O.B. PLANNING, 11/30/10

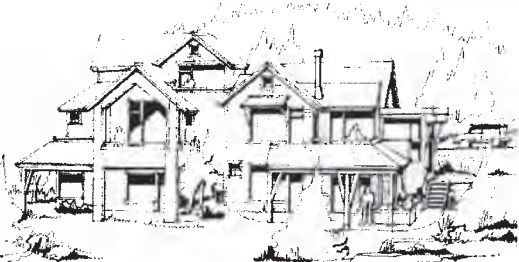
**bhh Partners**  
 FORT COLLINS, COLORADO  
 BRECKENRIDGE, COLORADO

**COLUMBIA LODGE**  
 440 N. MAIN STREET, BRECKENRIDGE, COLORADO

© 2010  
 SHEET NUMBER  
**MP-5**  
 ILLUSTRATIVE SITE PLAN  
 OF 5



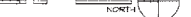
SAMPLE VIEW FROM EAST SIDE OF PRIVATE ROAD

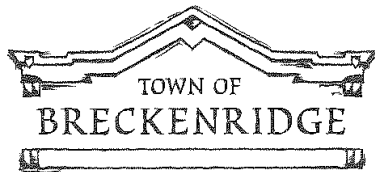


SAMPLE VIEW FROM MAIN STREET

**ILLUSTRATIVE SITE PLAN**

SCALE: 1" = 40'-0"





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## MEMORANDUM

**TO:** Planning Commission

**FROM:** Chris Neubecker

**DATE:** December 2, 2010

**SUBJECT:** Shock Hill Lodge Permit Renewal

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Included on tonight's agenda is the permit renewal for the two Shock Hill Lodge buildings adjacent to the gondola turn station in Shock Hill. These lodges were reviewed in great detail throughout 2007, and were ultimately approved in 2008. Because the proposal was different from the uses anticipated in the Shock Hill Master Plan, a Development Agreement was approved by Town Council. This Agreement allowed for the properties to be developed as condo-hotels (rather than townhomes and hotel/inn as otherwise required). The Agreement also allowed for a transfer of up to 39 SFEs (single family equivalents) of density to the site. In exchange, the applicant agreed to some extra design constraints, environmental testing, and other commitments that were not otherwise required. The transfer of density is not normal, but is certainly allowed by the Development Code.

The attached staff reports are generally the same as in January 2008. However, upon renewal of a permit, staff considers code amendments that have taken place since the original permit application date. The relevant code changes since the original application date include:

- Adoption of Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments
- Adoption of Policy 46 (Absolute) Exterior Lighting
- Expiration of the Shock Hill Master Plan vesting, which means that the Cucumber Gulch Overlay Protection District ordinance applies. (This policy addresses development in and near Cucumber Gulch, including design issues, and environmental protect best management practices. A detailed explanation of how the projects meet this policy is included in the staff reports.)

Because of the adoption of Policy 47, a variance is now required for the fences that were previously approved, and these are explained in the staff reports. The rest of the reports remain essentially the same as they were in 2008. There is no change to the use, density, height, architecture, materials, parking, site plan, fence design, amenities, drainage, or floor plan of the project. The two lodges (Tract C and Tract E) are proposed for approval with passing point analyses. Following are the policies under which positive and negative points were assigned:

Tract C

Policy 5/R-Architectural Compatibility	+3 points for great architecture
Policy 6/R-Building Height	+1 point for designing density into the roof
Policy 15/R-Refuse	+1 point for the dumpster enclosure in the main building
Policy 16/R-Internal Circulation	+3 points for good separation of autos and pedestrians
Policy 18/R-Parking	+4 points for underground parking
Policy 22/R-Landscaping	+4 for good landscaping plans with very big trees
Policy 25/R-Transit	+4 points for operating a guest shuttle
Policy 6/R-Building Height	-10 points for exceeding recommended height
Policy 6/R-Building Height	-1 point for not stepping roof at edges
Policy 33/R-Energy Conservation	-3 points for snow melted driveways and walkways
Policy 37/R-Special Areas	-2 points for excessive lot coverage near Cucumber Gulch
Policy 47/A- Fences	<u>VARIANCE for design of fences near gondola and spas</u>
TOTAL	+4 points

Tract E

Policy 5/R-Architectural Compatibility	+3 points for great architecture
Policy 6/R-Building Height	+2 points for density in the roof and varied roof design
Policy 7/R-Site and Environmental Design	+2 points for good use of stone retaining walls
Policy 15/R-Refuse	+1 point for the dumpster enclosure in the main building
Policy 16/R-Internal Circulation	+3 points for good separation of autos and pedestrians
Policy 18/R-Parking	+4 points for underground parking
Policy 22/R-Landscaping	+4 points for good landscaping plans with very big trees
Policy 25/R-Transit	+4 points for operating a guest shuttle
Policy 6/R-Building Height	-10 points for exceeding recommended height
Policy 33/R-Energy Conservation	-3 points for snow melted driveways and walkways
Policy 37/R-Special Areas	-2 points for excessive lot coverage near Cucumber Gulch
Policy 47/A- Fences	<u>VARIANCE for design of fences near gondola and spas</u>
TOTAL	+8 points

We have included this memo to help those Commissioners who were not involved in the review three years ago. Since these are permit renewals, and since the projects have not changed since 2008, we have advertised this hearing as a combined preliminary and final hearing. We look forward to presenting these applications to the Commission on Tuesday night, and answering any questions you may have about the Shock Hill Lodge and Spa.





August 26, 2010

Mr. Peter Grosshuesch  
Director  
Community Development Department  
Town of Breckenridge  
150 Ski Hill Road  
Breckenridge, CO 80424

**RE: Extension of Vested Property Rights – Tracts C and E, Shock Hill Subdivision**

Dear Peter:

At the direction of Chris Neubecker, I am writing you to respectfully request an Extension of the Vested Property Rights that are in place per the Development Agreement between the Town of Breckenridge and AZCO II LLC made as of March 13, 2007. Our Development Permits for Tracts C (#2007109) and E (#2007108) expire on January 22, 2011 and we understand that we must submit an Extension request to you no later than 30 days prior to that date.

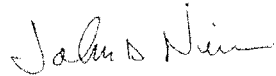
We are submitting this request in advance at the request of both our existing land lender and proposed construction lender in order to ensure that we can confirm the project's continued viability. As you are aware, construction financing has been at a standstill, requiring a substantial effort and investment to remain in control of the project and ensure what was planned is what ultimately is developed on this extraordinary site. Although it has been extremely difficult, we are confident that we have finally established momentum with construction financing that will allow the project to move forward as originally planned and agreed to by the collective efforts of the Town of Breckenridge and our Development Team.

Our entire team remains 100% committed to completing the project as designed, and more specifically, entirely within the guidelines agreed to within the Development Permits and Development Agreement. We remain convinced that the extremely thoughtful and detailed approach taken during the permitting process by the Breckenridge Town Council, the Breckenridge Planning Department, and our Development Team resulted in the highest and best use for the site and the Breckenridge community. We anxiously await the opportunity to deliver on our promise.

As such, AZCO II LLC respectfully requests that this letter be considered as the formal application for consideration of an Extension of the Vested Property Rights.

Peter, we look forward to working with you on this request. If any additional information or documentation is needed, I trust you will let me know as soon as possible. Thank you in advance for your time and your cooperation.

Respectfully,

A handwritten signature in black ink that reads "John D. Niemi". The signature is written in a cursive style with a prominent initial 'J'.

John D. Niemi  
Manager  
AZCO II LLC

Cc: Chris Neubecker

# Shock Hill Tracts C & E Class A Development Permit

BRECKENRIDGE, CO

**CFA** CRAINE FRAHM ARCHITECTS  
1580 LINCOLN ST. #480  
DENVER, CO 80203  
VOICE: 303.477.3391  
FAX: 303.962.1135

**ALLIANCE**  
CONCRETE & ETC.

**DESIGNWORKSHOP**

120 EAST MAIN STREET  
ASPEN, COLORADO 81611  
TEL: 970.925.4334  
F: 970.925.1387  
WWW.DESIGNWORKSHOP.COM

CLIENT:

AZCO II, LLC  
644 RUBY TRUST WAY  
CASTLE ROCK, CO. 80108



- TRACT F
- DRAINAGE & ACCESS EASEMENT
- PROPOSED TRAIL EASEMENT
- TRACT E PROPERTY SETBACK
- TRACT E PROPERTY BOUNDARY
- PROPOSED BUILDING
- EXISTING GONDOLA
- EXISTING ROUNDABOUT

SEE SHEET LA.1.01

SEE SHEET LA.1.02

- SHOCK HILL DRIVE
- GONDOLA EASEMENT
- TRACT C PROPERTY SETBACK
- TRACT C PROPERTY BOUNDARY
- PROPOSED BUILDING
- EXISTING WETLAND SETBACK

TRACT G

TRACT E  
(6.67 ACRES)

TRACT C  
(2.89 ACRES)

LOT 8

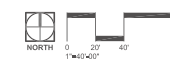
LOT 9

TRACT B

REVISION No.	Description	Date

ISSUE No.	Issue	Date
1	Preliminary Dev. Permit Submittal	4.16.2007
2	Preliminary Dev. Permit Submittal	5.17.2007
3	Preliminary Dev. Permit Submittal	7.17.2007

JOB NUMBER: \_\_\_\_\_  
SHEET TITLE: **LANDSCAPE SITE PLAN**



SHEET NUMBER: **LA.1.0**

## Planning Commission Staff Report

**Project Manager:** Chris Neubecker, AICP

**Date:** November 30, 2010 (For meeting of December 7, 2010)

**Subject:** Shock Hill Lodge, Tract C Permit Extension, PC#2010069  
Shock Hill Master Plan Permit Extension  
(Class B, Combined Preliminary and Final Hearing; Original PC#2007109)

**Applicant/Owner:** AZCO II, LLC; John Niemi

**Proposal:** To extend the duration of the development permit and the vested property rights for the Shock Hill Lodge. The original permit authorized the construction of a 52-unit condo-hotel with a small support/amenity café and underground parking garage adjacent to the Shock Hill gondola mid-station. A modification to the Shock Hill Master Plan is also proposed, pursuant to a previously approved development agreement for the transfer of 33 SFEs of density to this site. No changes are proposed to the approved plan; however a variance is included for the design of the fence at the spas and near the gondola.

**Address:** 200 Shock Hill Drive

**Legal Description:** Tract C, Shock Hill Subdivision

**Site Area:** 2.89 acres (125,888 sq. ft.)

**Land Use District:** 10: Residential-2 UPA, Single Family, up to 8-plex, townhouses  
Subject to the Shock Hill Master Plan that identifies this site for either townhomes or multi-family residential uses.

**Site Conditions:** The site is undeveloped. It is moderately forested with mature lodgepole pine and spruce trees. The 100' wide gondola aerial tramway access easement crosses through the northern and northwestern part of the lot. The gondola mid-station is off the property, on the adjacent lot to the northwest. There is a 20' utility and drainage easement along the southern property boundary, and 30' utility and drainage easement in the western corner of the property. Additionally, there are wetlands in the northeast corner of the site. The site slopes downhill to the south and west, at an average rate of 6% at the steepest point within the development area, and as little as 2% on the flattest part of the lot. Cucumber Gulch is to the west of the site, beyond the adjacent lots.

**Adjacent Uses:**

North:	Shock Hill Cottages
South:	Vacant single family lots
East:	Shock Hill Homes (Duplexes)
West:	Vacant lodge site (Tract E)

**Density:** Allowed:

Residential per existing Master Plan:	24 SFEs (28,800 sq. ft. residential)
<u>Proposed density transfer:</u>	<u>33 SFEs (39,600 sq. ft. residential)</u>

Total (after density transfer):	57 SFES (68,400 sq. ft. residential)
Proposed Density:	56.97 SFES (68,371 sq. ft. residential)
<b>Mass:</b>	
Allowed under existing Master Plan:	36,000 sq. ft.
<u>Additional mass with density transfer:</u>	<u>49,500 sq. ft.</u>
Total allowed with density transfer:	85,500 sq. ft. (as condo-hotel)
<u>Free mass “bonus” for proposed extra amenities:</u>	<u>1,954 sq. ft.</u>
Total mass allowed:	87,454 sq. ft.
<u>Mass transferred to Tract E:</u>	<u>- 3,074 sq. ft.</u>
Mass allowed after bonuses and transfer:	84,380 sq. ft.
Proposed mass:	84,367 sq. ft.

*(The mass “bonus” for extra amenities is allowed by Policy 24/R, Section D-Meeting and Conference Rooms or Recreation and Leisure Amenities. When provided over and above the required amenities of 1 square foot per 35 square feet of gross dwelling area, this bonus does not count toward the mass or density, up to 200% of the required density. However, the initial required amenities count as mass, but not density. As proposed, the mass bonus would be transferred from Tract C to Tract E, to allow more amenities in Tract E. Those additional amenities would be made available to the guests of Tract C.)*

**Mass Tracking (Tracts C & E Combined):**

	Building E		Building C	
Residential SFES	66.70 SFES	80,040 SF	57.00 SFES	68,400 SF
Mass Bonus		20,010 SF		17,100 SF
Sub-total Mass		100,050 SF		85,500 SF
Commercial	5.30 SFES	5,300 SF		
1/35 amenity (included in sub-total mass)		2,287 SF		1,954 SF
100% amenity bonus (exempt from mass and density)		2,287 SF		1,954 SF
Sub Total Mass Allowed (does not include amenity bonus)		107,637 SF		87,454 SF
<b>Total Mass Allowed, E and C</b>		<b>195,091 SF</b>		
Mass Proposed Tract E (includes 120 sq. ft. gondola)		110,664 SF		
Mass Proposed Tract C		84,367 SF		
Total Mass Used (includes gondola mid-station)		195,031 SF		
<b>Mass Remaining</b>		<b>60 SF</b>		

<b>Height:</b>	Recommended:	26’ mean (2 stories)
	Proposed:	38’ mean (at highest mean of roof)
<b>Lot Coverage:</b>	Building / non-Permeable:	43,204 sq. ft. (34.32% of site)
	Hard Surface / non-Permeable:	19,853 sq. ft. (15.77% of site)
	Open Space / Permeable Area:	62,831 sq. ft. (49.91% of site)
<b>Parking:</b>	Required:	70 spaces

Proposed: 73 spaces  
*(Note: All long term parking is proposed below the building. There will also be a few short-term parking spaces at the porte-cochere for check-in and shuttle vans, which have not been counted toward the parking provided.)*

**Snowstack:** Required (25% of non-snow melted areas): 179 sq. ft. (25%)  
Proposed: 703 sq. ft. (329 %)  
*(Note: The driveway at the porte-cochere and access to the service area and underground parking will be heated with a snowmelt system. In addition, all of the pedestrian pathways at the sides and rear of the building will be snow melted, but adequate space has been provided for snow stacking, if needed. A covenant will be required guaranteeing maintenance of the snowmelt system).*

**Setbacks:** Front/North: 46 ft. Rear/South: 24 ft.  
Side/East: 74 ft. Side/West: 6 ft.

**Bedrooms:** Allowed (Tract C, per development agreement): 125 bedrooms  
Proposed: 98 bedrooms

### Item History

In March 2007 the Town Council approved a Development Agreement with AZCO II for the development of two lodge buildings in Shock Hill (Tract C and E). The Development Agreement authorized the transfer of up to 39 SFEs of density to the property. In exchange, the applicant agreed to develop the property as a condo-hotel on both Tract C and Tract E (as opposed to townhomes, which could have been built on Tract C, or a hotel/lodge/inn, which was required on Tract E) with underground parking. The condo-hotel footprint, which was identified in the Development Agreement, resulted in the greater likelihood of “hot beds” (rental units) and less site impacts. Furthermore, the applicant agreed to best management practices during construction, donation of open space to the town, and other design features which the Town Council determined were in the best interest of the community and adjacent Cucumber Gulch Preserve wetlands.

This site plan and architecture of the Shock Hill Lodge project, as well as the amendment to the Shock Hill Master Plan, were approved by the Planning Commission on January 15, 2008 and by the Town Council on January 22, 2008. The project never began construction, and the applicants are proposing to renew the duration of the development permit, and the vested property rights, for three more years.

The review of this project (along with a similar project on Tract E) went through several public hearings with both Planning Commission and Town Council. Issues discussed included traffic impacts, environmental impacts, building heights, materials, site plan, landscaping, and trails and open space.

### Development Agreement

Following are the key points from the Development Agreement approved by the Town Council in March 2007, and how it relates to development of this site.

The Development Agreement with AZCO II allows for the transfer of up to 39 SFEs of density from the Upper Blue Density Bank to Tracts C (33 SFEs) and Tract E (6 SFEs). The agreement identified design criteria that are above and beyond those otherwise required by Town Codes. These include:

- Developing the site plan in a manner “substantially similar” to the plan shown to the Town Council.
- Operating the lodge as a condo-hotel, with a density multiplier of 1,200 square feet per SFE.
- Purchase any extra density from the Density Bank, and pay the “then current price” for the density.
- Dedicate Tract E-2 to the Town as public open space.
- Operate a shuttle service for guests of both Tracts C and E.
- Record a covenant requiring replacement of trees that die which were identified as being saved as a result of Tract C being developed as a condo-hotel, rather than townhomes.
- Design buildings using best efforts to mitigate the visual impacts of the development from the areas of Cucumber Gulch to the west of the Tracts to the extent practical.
- Implement all appropriate provisions of Section 11 and Section 12, Best Management Practices, of the Town’s “Cucumber Gulch Overlay Protection District Ordinance”.
- Construct a buck-and-rail fence on the downhill side of the Town’s trail located to the west of Tract E, if requested by the Town.
- Place signs on the property at key access points to Cucumber Gulch, containing information on the importance of the Gulch, its ecological function, the presence of the Boreal Toad, the prohibition of dogs and the importance of staying on established trails. Similar signs shall be placed in the lobby and the individual units.
- The building on Tract C shall not exceed 125 bedrooms; the building on Tract E shall not exceed 146 bedrooms.

The agreement also indicates that the requirement to provide any of these elements above and beyond the Town Codes does not preclude the applicant from earning possible positive points under the applicable Development Code policies.

### **Code Changes Since Approval in 2008**

Since this project was approved in 2008, there have been a few changes to the Development Code that relate to this project. These include:

**Policy 46 (Absolute) Exterior Lighting Policy:** This policy was adopted after the applicant had submitted their development application, but before the application was formally approved. This policy sets design criteria for exterior lighting with the goal of protecting the night sky, minimizing glare, and improving aesthetics.

**Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments:** This policy was adopted to maintain the open and natural character of the town, to prevent hindering of wildlife movement, and to prevent fences and gates that create an unwelcoming community. The policy allows fences in certain circumstances, and sets design criteria where fences are allowed.

**Policy 48 (Absolute) Voluntary Defensible Space:** This policy was adopted to allow property owners to voluntarily remove trees to create defensible space and to reduce the risk of wildfire. Initially the Town adopted a mandatory defensible space policy, which was then repealed based upon concerns and a petition from local citizens.

### **Staff Comments**

**Master Plan (39/A):** The applicant is still proposing to modify the Shock Hill Master Plan as part of this proposal, which would increase the density by thirty-three (33) residential SFEs for Tract C. The uses for

this site (identified in the Master Plan as “townhomes/multi-family”) would change to “condo-hotel”, per a condition of the Development Agreement that the site be development as a condo-hotel. Staff has no concerns with this modification.

**Land Use (Policies 2/A & 2/R):** No changes to the uses are proposed from the last meeting on this project. The site is still proposed as a condo-hotel, including a 24-hour front desk, centralized telephone system, food service, meeting rooms and amenities. Amenities on Tract C include two spas, BBQ terrace, a lodge room and a small café. The applicant has chosen to provide most of the required areas as amenities (spas, fitness center, pool, etc.) rather than meeting rooms, which is allowed in the current Development Code. A majority of these facilities would be constructed on Tract E, including two spas, an outdoor swimming pool, fitness center, bar/café, a lodge room and a BBQ terrace. (We have precedent for concentrating amenities into one building, which was allowed at One Ski Hill Place.) The “total” mass bonus has been tracked on the plans submitted by the architect, and will be included in the Findings and Conditions.

As proposed, Tract C includes 1,468 square feet of amenity area. A covenant will be required that guarantees these areas to remain as amenities in perpetuity.

**Density/Intensity (3/A & 3/R)/Mass (4/R):** With the proposed density transfer and Master Plan modification, the project will be within the allowed density. A density transfer certificate from the Upper Blue Transfer of Development Rights program will be required prior to the issuance of a building permit, and has been made a Condition of Approval. (Staff notes that much of the density transferred to Tract C is used to make up for the lower density multiplier, which is 1,200 square feet per SFE for condo-hotel, rather than 1,600 square feet per SFE for townhomes. The rest is needed to make up for the risk of building one large building, rather than smaller individual townhomes.)

**Architectural Compatibility (5/A & 5/R):** Per this section of the Code:

*A. General Architectural And Aesthetic Compatibility: All proposed new developments, alterations, or additions are strongly encouraged to be architecturally compatible with the general design criteria specified in the land use guidelines. It is strongly encouraged that cut and fill slopes be kept to a minimum, and that the site, when viewed from adjacent properties, be integrated into its natural surroundings as much as possible. In addition, excessive similarity or dissimilarity to other structures existing, or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting streets within the same or adjacent land use districts is discouraged. This section only applies to areas outside of the historic district. (Ord. 19, Series 1995)*

No changes are proposed to the architectural style or materials. The building still evokes the characteristics of a grand lodge, with large sheltering roofs, heavy exposed timbers, natural stone and timber siding, exposed rafter tails, plenty of gable and shed dormers, and steeply pitched roofs.

Staff recommends positive three (+3) points under policy 5/R-Architectural Compatibility, for the overall architectural design. This point recommendation remains the same as the final approval in 2008.

**Building Height (6/A & 6/R):** *The height of a building has many impacts on the community. Building heights that exceed the Land Use Guidelines can block views, light, air, and solar radiation; they can also disrupt off site vistas, impact scenic backdrop and penetrate tree canopies that provide screening to maintain a mountain forest character. It is encouraged that the height of new buildings be controlled to minimize any negative impacts on the community.*



Land Use District 10 recommends buildings no taller than 2 stories, or 26' to the mean elevation of the roof. As proposed, staff has measured the building at 38' to the highest mean elevation (a gable on the west elevation). This would equate to negative ten (-10) points for exceeding the recommended building height by up to one story.

*(b.) For all structures except Single Family and Duplex Units outside the Historic District: Additional negative or positive points may be assessed or awarded based upon the Planning Commission's findings of compliance with the following:*

*1 x (-1/+1) 1. It is encouraged that buildings incorporate the upper most story density into the roof of the structure, where no additional height impacts are created.*

*1 x (-1/+1) 2. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Long, un-broken ridgelines, 50 feet or longer, are discouraged.*

Staff recommends positive one (+1) point under section #1 of this policy for incorporating density into the roof. However, some of the ridges are longer than 50', and we do not believe that the roof steps down enough at the edges. We recommend one (-1) negative point under section #2 of this policy for failing to provide roof forms that step down at the edges.

**Site Plan:** No changes are proposed to the site plan. The footprint substantially matches the exhibit in the development agreement. The front setback is 117' (compared to 100' in the Development Agreement). The east setback is now 106' (compared to 104' in the Development Agreement).

**Site and Environmental Design (7/R):** *2X(-2/+2) The Town hereby finds that it is in the public interest for all sites within the community to be designed, arranged, and developed in a safe and efficient manner. The arrangement of all functions, uses, and improvements should reflect the natural capabilities and limitations of the property. This policy is also intended to discourage levels of development intensity that result in generally compromised site functions, buffering and aesthetics. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both the interior and exterior of the project. Platted lots with building envelopes, site disturbance envelopes, or designated building locations are still subject to the following rules and recommendations unless noted otherwise.*

No changes are proposed to the site from the plans approved in 2008. The building is still located to avoid the wetlands in the front of the lot. This layout also helps to preserve a good tree buffer on the north, south and east sides of the building. Retaining walls are proposed along the access drive to the parking garage, helping to reduce site impacts and to preserve trees. Some walls are also proposed near the outdoor terrace behind the building. All retaining walls would be constructed of natural materials, or structured walls with natural stone veneer. Staff supports the limited use of retaining walls, which help to reduce site disturbance and preserve natural vegetation. We find no reason to assign positive or negative points under this policy, as positive points are recommended under Policy 22/R-Landscaping.

**Hillside and Ridgeline Development (8/A):** Staff does not consider this site as hillside or ridgeline development. The existing wetlands on the site require that development avoid the northeast portions of the site, and require that development be placed to the south and west sides of the lot. In addition, this site is considerably flatter than the adjacent Tract E. We do not believe that this policy applies to this site.

**Placement of Structures (9/A & 9/R):** All required setbacks have been met. Staff finds the location of the building “substantially similar” to the location shown in the approved development agreement (see Sheet A1.11). The Commission will need to agree that this plan is substantially similar to the site plan exhibit in the approved Development Agreement in order to approve this project.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):**

3 x (-2/+2)

*A. Accessibility: It is encouraged that internal circulation systems provide the types, amounts, and locations of accessibility needed to meet the uses and functions of the movement of persons, goods, services, and waste products in a safe and efficient manner, with maximum use of pedestrian orientation, and a minimum amount of impervious surfaces. Internal circulation elements should be designed in such a manner that the elements are integrated with each other as well as possible, and that conflicts between elements are minimized. The following represent the criteria utilized to analyze how well the project has met this particular policy.*

*(1) Pedestrian Circulation: Whenever appropriate to the type and size of the development, the inclusion of a safe, efficient and convenient pedestrian circulation system is encouraged. The provision of pedestrian circulation areas adjacent to and at the same level as adjacent sidewalks is strongly encouraged.*

*(2) Separation of Systems: The separation of circulation systems and patterns which are basically incompatible is encouraged.*

*(3) Delivery Areas: Delivery areas and refuse pickup should be located away from public spaces.*

No changes are proposed. Staff supports the access design. Most pedestrian areas (including most of the walkways within the amenity courtyard) and all driveways are snow melted. Good pedestrian access is provided to the gondola to the west, along with access to the adjacent lodge and amenities. These sidewalks also tie in with existing sidewalks along Shock Hill Drive. Pedestrian and vehicle circulation is still separated, and a good pedestrian connection to Tract E is provided. Staff supports the proposed circulation plan, and we recommend three (+3) points for separation of uses.

**Parking (18/A & 18/R):**

2 x (-2/+2)

*(1) Public View: The placement and screening of all off street parking areas from public view is encouraged.*

All parking is still proposed below the building, except for a few short-term spaces near the porte-cochere, for check-in and shuttle vans.

Considering that all of the parking (other than a few spaces at the porte-cochere) is hidden below the building, and based on past precedent, staff recommends positive four (+4) points, under Policy 18/R-Parking.

**Landscaping (22/A & 22/R):** The proposed landscaping plan includes a variety of large aspen and evergreen (fir and spruce) trees. This includes 131 aspen trees (4”-6” caliper) and 67 conifers (10’-24’ tall).

These are very large trees that will have an immediate positive impact on the site. In addition, a large area of existing trees will be preserved in the front of the building, maintaining a strong buffer to Shock Hill Drive when approaching the building from Ski Hill Road. There are also many very large trees preserved at the rear of the building, including 17”- 35” caliper (trunk) spruce trees. The landscaping plan has been designed for quality and tree size rather than quantity, and this project has fewer trees than similar projects listed below, but the trees are considerable larger. There is also a very high quality shrub and perennial planting plan proposed. For comparison sake, three similar sized developments are shown below:

<b>Project</b>	<b>Evergreen</b>	<b>Deciduous</b>	<b>Points</b>
Crystal Peak Lodge	110 (6’-12’ tall)	237 (1”-3” caliper)	+4
Grand Lodge on Peak 7	110 (6’-18’ tall)	235 (1”-3” caliper)	+4
Mountain Thunder Lodge Phase I	283 (8’-24’ tall)	150 (1.75”-3” caliper)	+4
Tract C, Shock Hill	67 (10’-24’ tall)	131 (4”-6” caliper)	?

Staff believes that this is a very good landscaping plan. We especially appreciate the size of the trees proposed. We recommend positive four (+4) points under policy 22/R-Landscaping.

**Greywater:** At a previous meeting the Commission asked about the possible recycling of greywater from the building (showers, sinks, etc.) for irrigation of the landscaping. Staff has done some research on this topic, but it appears that there are several issues stopping this from happening with this proposal and in town.

There are environmental issues with re-introduction of greywater so close to Cucumber Gulch. Any reintroduction of water would first require treatment, which would likely involve chemicals that could harm Cucumber Gulch. Furthermore, there are public health issues, as this water usually contains some bacteria and other potential pathogens. Any re-use of greywater or blackwater (from toilets) requires a Colorado Department of Public Health permit, which would likely only allow reintroduction of this water 10”-12” below ground, and hence could not be used for a drip irrigation system. For these reasons, the re-use of grey water is not proposed.

**Social Community / Employee Housing (24/A & 24/R):** No on-site employee housing is proposed. Employee housing will be provided off-site, with a minimum of 3,084 square feet of deed-restricted employee housing (4.51% of the density) as identified in the Development Agreement. The agreement indicates that the applicant will provide sufficient employee housing in a manner as to achieve zero or more points under this policy. This has been made a condition of approval, “Prior to Issuance of a Certificate of Occupancy” for this site.

**Drainage and Stormwater Management (27/A & 27/R):** A stormwater management plan was reviewed during the initial review of this project. No changes are proposed from the approved stormwater plan. Roof runoff water will be treated from through the use of bioswales (small ditches with vegetation), before flowing into the detention ponds. A variety of systems are proposed to improve water quality and minimize the impacts to Cucumber Gulch. These include sedimentation ponds, silt fencing and hay bales during construction, and a series of detention ponds, drywells, bio-swales and mechanical treatments units for post-construction. It is anticipated that the locations of detention ponds and swales will be the same or very similar during construction and post-construction.

During construction, vehicle tracking and tire washing stations would be used at entrances to the site to prevent silt runoff. Inlet protection would also be provided at all existing culverts within 500 feet from the

project site. We have added a Condition of Approval requiring a covenant for the maintenance of the detention ponds and other water quality features.

Staff notes that we have verified that water from the spas will not be drained to Cucumber Gulch, but will rather flow to the sanitary sewer system. The Breckenridge Sanitation District has approved this method of spa and pool water disposal.

**Water Quality Monitoring:** The applicant has submitted a comprehensive water-quality monitoring plan, prepared by their consultant, Peggy Bailey, Senior Hydraulic Engineer with Tetra Tech (attached). The plan includes four surface water and three ground water testing sites, with final site locations to be agreed upon in the field between Tetra Tech and Barbara Galloway of ERO Resources, the Town's environmental consultant for Cucumber Gulch. Groundwater would be sampled and tested monthly for a variety of possible contaminants. Surface water would be sampled and tested more frequently, including:

April 15-May 31: Weekly for six weeks and after a storm event

June 1-September 1: Every six weeks and after a storm event

September through November: Monthly and after a storm event

Late Winter: Monthly and after a storm event

Barbara Galloway from ERO Resources and Ken Kolm from Hydrologic Systems Analysis (groundwater consultant) have reviewed the plan. The Town's consultants and the applicant's consultant have discussed the monitoring approach, and have agreed to the number of testing sites as well as the list of contaminants to be tested. We believe that this is a comprehensive approach to testing both surface and ground water. Surface water would be monitored at the ponds in the gulch. Ground water would be monitored at points down gradient of the development, outside of the gulch. No significant impact is expected to the quality or quantity of ground water, but this testing plan is the best way to verify our assumptions. If the Commission has concerns with this testing plan, or believes that additional water quality monitoring is needed, please let staff know.

**Transit (25/R):** A shuttle service is proposed to serve both Tracts E and C, which would provide access around town by an on-call shuttle service. The service would be available to any guest of the two lodges. The applicant has indicated at past meetings that the shuttle would also be made available to other residents of Shock Hill, however, that pledge is not part of this application, and will not be enforced by the Town. (If the applicant or current residents of Shock Hill are interested in clarifying this arrangement, we suggest that they enter into an agreement on their own.)

The shuttle service would provide a great guest benefit, and would also help by eliminating many private vehicle trips around town, and free up parking spaces downtown. In addition to reducing local traffic and parking congestion, the shuttle will allow guests to arrive in Breckenridge via a common carrier (CME, for example) and avoid renting a car. The hours of operation have not yet been established. Staff suggests that the shuttle operate at a minimum from 8:00 AM until 11:00 PM, seven days per week, which has been made a Condition of Approval.

During the initial review, some Commissioners requested that the applicant operate a van or bus, rather than an SUV. There was also a request to operate a hybrid vehicle for the shuttle. The exact vehicle has not been identified, but the applicant has indicated that a hybrid SUV would likely be used. Staff has done some preliminary research on the use of hybrid SUVs rather than vans for the shuttle. Preliminarily, it appears that many hybrid SUVs obtain better fuel economy than standard 14 passenger vans.

Staff recommends positive four (+4) points for this project for the provision of a shuttle service. This is consistent with similar projects that have operated shuttle systems. A covenant guaranteeing operation of the shuttle service in perpetuity has been required.

**Amenities and Meeting Rooms (Policy 24/A & 24/R-Social Community):** All condo-hotels are required to provide a minimum of one square foot of meeting rooms or amenities for every 35 square feet of gross dwelling area.

For this project, 1,954 square feet of amenities are required (plus a bonus of up to 100%, or another 1,954 square feet, is allowed). For Tract E, 2,287 square feet are required (plus an additional 2,287 square feet are allowed). This makes a minimum of 4,241 square feet of amenities for the two building combined (with a maximum allowed of 8,482 square feet). The applicant proposes to provide most of the amenities on Tract E (including some of the required amenities for Tract C). Tract C would still have a lodge room and café, plus outdoor spas and a BBQ terrace. This would allow for more amenities within Tract E, which would otherwise not be allowed without counting toward the allowed density. The following are amenities at Tract C:

Lodge Room (adjacent to lobby and check-in):	977 square feet
<u>Bar/Café (adjacent to Lodge Room):</u>	<u>491 square feet</u>
Total Indoors:	1,468 square feet

Two outdoor spas  
Outdoor BBQ terrace

Following are the proposed amenities in Tract E:

Conference room (adjacent to administration):	326 square feet
Ski Valet/Boot Storage (Level P1):	804 square feet
Spa/Fitness (not including 1,436 square feet commercial):	3,506 square feet
Lodge Room (not including 152 square feet bar commercial):	2,802 square feet
<u>Business Center (adjacent to Lobby):</u>	<u>210 square feet</u>
Total:	7,648 square feet

A covenant will be required memorializing the allocation of a portion of the mass bonus for Tract C to Tract E, and guaranteeing that these facilities remain as amenities in perpetuity. This has been made a Condition of Approval. A similar arrangement was approved for the transfer of amenity space in Building 801 at Peak 8.

**Energy Conservation (Policy 33/R):** This policy encourages the use of renewable sources of energy, and designs that will help to conserve energy. The proposed project includes heated driveways and walkways to melt snow, which use significant amounts of energy. As a result, staff recommends negative three (-3) points.

**Exterior Lighting (Policy 46/A):** Although this application was originally submitted prior to adoption of this policy, per the Development Agreement, the applicant has agreed to comply with this policy. A lighting plan and photometric plan have been submitted. All proposed exterior lighting meets this policy.

All exterior fixtures are fully shielded, and the photometric plan meets the requirements for this lighting zone.

**Special Areas (Policy 37/R):**

D. *Cucumber Gulch Overlay Protection District: Within the Cucumber Gulch overlay protection district and the protective management area, as defined in the land use guidelines:*

2 x (0/+2) *Development should be designed to maximize the distance between disturbances and the PMA. Buildings and landscaping should be concentrated to maximize areas left undisturbed as potential habitat.*

1 x (0/-2) *Impervious surfaces should be minimized. (Ord. 9, Series 2000)*

During the meeting on November 6, 2007, the Commission suggested that negative points might be warranted under this policy. Negative points were suggested since about 52% of the site was proposed for either building coverage or as impervious surface. Since the original permit for the Shock Hill Lodge was submitted while the Shock Hill Master Plan was still vested, the project was originally not subject to the Cucumber Gulch Overlay Protection District. However, the vesting of the Shock Hill Master Plan expired in 2008, which makes this ordinance now applicable to this development. Following is some language from the Cucumber Gulch Overlay Protection District ordinance:

*Section 9. Intent. This Ordinance is not intended, nor shall it be construed, to impair any vested property right, or any currently enforceable contractual right creating similar legal protection, if any, which exist at the time of the adoption of this Ordinance. Notwithstanding the provisions of Section 10, this Ordinance shall not apply to the owner of any lot or tract or similar subdivided parcel of land in a subdivision which is platted within any current or extended vested property right period, and such owner may construct improvements upon such lot or tract or similar subdivided parcel of land in accordance with (and subject to) the provisions of the Breckenridge Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code), without being subject to these Regulations.*

A Development Agreement with Shock Hill Development LLC from February 15, 2000, also states:

*“F. By this Agreement, the Town and Master Developer intend to enter into such agreement for the purpose of extending the vested property rights period for the Master Plan to December 31, 2008, subject to the terms and conditions hereafter set forth.”*

*“5. During the vested property rights period, as extended by this Agreement, none of the provisions of the Cucumber Gulch Overlay Protection District ordinance, if and when adopted, and is it may be amended from time to time, shall apply in any way to the Subdivision or any permits or approvals relating to the development of the Subdivision.”*

The Cucumber Gulch Overlay Protection District was the same ordinance that adopted paragraph D of Policy 37/R, above. Since the Shock Hill Master Plan and Subdivision are no longer vested, the ordinance does now apply to this application, and negative points can be assigned under this policy. Staff recommend negative two points (-2) under policy 37/R.

**Gondola:** The applicant worked closely with Jon Mauch, former Lift Director at the Breckenridge Ski Resort, concerning pedestrian crossings beneath the gondola, pedestrian pathways to the gondola and

adjacent landscaping. A small split rail fence is also proposed, to keep pedestrians from walking under portions of the gondola with low clearance. Staff appreciates the frequent meeting with the ski resort. Staff has no concerns.

**Fencing (Policy 47/A):** Fences are proposed in three areas of the site. These include near the gondola (for pedestrian safety), along the rear of the site (to control access to Cucumber Gulch), and at the rear of the building (to prevent unauthorized access to the spas). The Town recently adopted a fence policy that prohibits most fences in town. However, we believe that the proposed fences are exempt from the policy, since they are required for public safety and for access control to the gulch.

The fence near the gondola would be a split rail fence (detail 2, Sheet L7-05), along with landscaping. The fence along access routes to the gulch would also be split rail, in locations determined by the Open Space and Trails division. The fence at the rear of the building to prevent unauthorized use of the spas is required for liability reasons, and would not be visible from the public right-of-way. This fence is proposed to be constructed of black welded steel (detail 4, Sheet L7-06).

The fence policy requires fences around swimming pools and other outdoor recreation areas to be black or dark green chain link. Staff believes that chain link fencing in this area is not appropriate. Rather, a black fence with steel ¾” vertical rails is proposed. Staff finds this fence design more appropriate for this location, more effective, and more attractive. Furthermore, the fence proposed at the gondola to prevent pedestrians is made from split rail wood, as opposed to chain link as required. For this reason, staff supports a variance to this policy.

**Variance:** Section 9-1-11 of the Development Code allows for variances to any absolute policy. The specific variance criteria that must be met before the Commission can grant a variance include:

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.*

The special circumstances related to this project are the fact that thousands of people will ride by this property on the gondola, or walk by the property on public trails. The designs of the fences as previously approved were deemed appropriate by the Planning Commission for this use, and use of chain link fencing, which is otherwise required, in this location is not appropriate for the community. Furthermore, the property is immediately adjacent to Cucumber Gulch, and a split rail fence near the gondola would be more wildlife friendly.

2. *That such special circumstances were not created by the applicant.*

The installation of the gondola and the location of Cucumber Gulch were not created by the applicant. Additionally, the fence design was previously approved, yet this fence policy was adopted subsequent to the original approval of this project. Furthermore, the fence near the gondola was requested by the Breckenridge Ski Resort Lift Manager, for public safety reasons, and this fencing is compatible with the fencing proposed to control access to Cucumber Gulch.

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.*

The purpose of this chapter is to ensure the designs of fences are compatible with the goals of the community. Another purpose is to discourage fences, but to allow fences in areas where needed for public safety. Furthermore, one of the purposes of this chapter is to encourage fences to be friendly to wildlife. There is wildlife known in this area, and the fence at the gondola will accommodate wildlife. The proposed fences should improve public safety around the gondola and outdoor swimming pool and spas.

4. *The variance applied for does not depart from the provisions of this chapter any more than is required. (Ord. 19, Series 1988)*

These variances do not detract from the provisions of this chapter more than required. The split rail fence encloses a relatively small area, and is just enough to prevent pedestrians from walking too close to the gondola cabins. The other fence is not taller than necessary, and is black to blend into the background while protecting the public.

Staff supports the proposed variances to the fence policy.

**Construction Management Plan:** The applicant has submitted a construction management plan. The plan addresses such issues as noise mitigation, construction staging, storage of materials, air quality and dust control, traffic, construction parking, and safety of passengers. Two points of the plan that will need to be revised include the hours of operation, and traffic access. The hours are listed as 6:00 AM – 6:00 PM during Mid April to the end of May. However, the Town noise ordinance prohibits construction noise before 7:00 AM on any day. Also, the section on Street Usage will be required to note that access will not be allowed from the 50' Emergency Access, Utility and Drainage Easement at the end of the Shock Hill Drive cul-de-sac. These changes have been added as Conditions of Approval.

**Point Analysis:** Staff finds that the proposed project meets all Absolute policies of the Development Code, with the exception of Policy 47/A-Fences, for which a variance is recommended. Staff recommends positive points under policy 5/R-Architectural Compatibility (+3 points), 6/R-Building Height (+1 point), 15/R-Refuse (+1 point), 16/R-Internal Circulation (+3 points), 18/R-Parking (+4 points), 22/R-Landscaping (+4 points), and 25/R-Transit (+4 points). We believe that negative points are warranted under Policy 6/R-Building Height (-10 points for exceeding recommended height, and -1 point for not stepping roof at edges), Policy 33/R-Energy Conservation (-3 points) for the snowmelt system, and Policy 37/R (-2 points) for impervious surfaces within the Cucumber Gulch Overlay Protection District. The result is a passing score of positive is (+4 points). We welcome Commissioner input on these recommendations.

### **Staff Recommendation**

Staff has been working very closely with the applicant on this project. The project went through a significant analysis by the staff, Commission and Council throughout 2007 and 2008. We feel that this project is still appropriate for the community, and this design is optimal for this site. We believe that the proposed plan implements all of the requirements of the Development Agreement, and adequately mitigates possible impacts.



The use of natural exterior materials, excellent architecture, and a strong landscaping plan will help to make this a premiere development in Breckenridge. We appreciate the applicant's response to staff input and the changes that have been made. We appreciate the attention to detail, and the sensitivity to Cucumber Gulch, including the water quality monitoring.

Staff recommends approval of Shock Hill Lodge and Spa, Tract C and the Shock Hill Master Plan Modification (Class A, Combined Hearing, PC#2010069), with the attached Point Analysis and Findings and Conditions, including the variance to Policy 47/A-Fences.

We note that this application has been advertised as a combined hearing (preliminary and final hearing together), as we believe that the project has been thoroughly scrutinized. However, we understand that this is a large project, and that we have several new Commissioners who did not have the benefit of being involved when this project was initially approved. If additional information is needed, or if the Commission is not comfortable approving this project after one hearing, staff suggests that you consider this a preliminary hearing, continue the hearing, and direct staff to the additional information be needed for approval.

<b>Final Hearing Impact Analysis</b>				
Project:	Shock Hill Lodge, Tract C	<b>Positive</b>	<b>Points</b>	<b>+20</b>
PC#	2010069			
Date:	11/30/2010	<b>Negative</b>	<b>Points</b>	<b>- 16</b>
Staff:	Chris Neubecker			
		<b>Total</b>	<b>Allocation:</b>	<b>+4</b>
Items left blank are either not applicable or have no comment				
<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		
2/R	Land Use Guidelines - Uses	4x(-3/+2)	0	Condo-hotel use proposed. Multi-family or lodge use recommended per Shock Hill Master Plan.
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)	0	
2/R	Land Use Guidelines - Nuisances	3x(-2/0)	0	
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2->20)	0	Master Plan modification proposed, to include density transfer from Upper Blue Transferable Development Rights program. Project will be within allowed density after density is transferred.
4/R	Mass	5x (-2->20)	0	Note that a portion of the mass bonus for amenities was transferred from Tract C to Tract E. The two sites, when viewed together, do not exceed the allowed mass for the two tracts.
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies	N/A	
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)	+3	High quality design, use of all natural materials, all natural stone, varied roof forms, large roof overhangs, many changes to wall planes and high quality materials.
5/R	Architectural Compatibility / Conservation District	5x(-5/0)	N/A	
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3->18)	N/A	
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3->6)	N/A	
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)	0	
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1->3)	N/A	
6/R	Building Height Inside H.D. - 25 feet	(-1->5)	N/A	
6/R	Building Height Outside H.D. / Stories	(-5->20)	- 10	Project is one story over recommended height. 38' tall at highest point.
6/R	Density in roof structure	1x(+1/-1)	+1	Good job of incorporating density into the roof with multiple dormer windows.
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)	- 1	Roof form does not vary enough, and roof does not step down at edges.
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)	N/A	
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)	N/A	
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)	N/A	
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)	0	Building blends well into site and follows natural contours.
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)	0	Minimal regrading proposed.
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)	0	Good buffering maintained and added with landscaping.
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)	0	Good use of retaining walls to minimize cut regrading, and to preserve trees. Terraced walls with landscaping proposed. All walls are faced with natural stone.
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)	0	
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)	0	
7/R	Site and Environmental Design / Wetlands	2X(0/+2)	0	Building is designed to avoid all on-site wetlands. No enhancement of wetlands is proposed.
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)	0	
8/A	<b>Ridgeline and Hillside Development</b>	Complies	N/A	
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)	0	
9/R	Placement of Structures - Adverse Effects	3x(-2/0)	0	
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)	0	
9/R	Placement of Structures - Setbacks	3x(0/-3)	0	
12/A	Signs	Complies		All signs will require separate sign permit.
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)	0	All driveways and most sidewalks are heated.
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)	0	
15/A	<b>Refuse</b>	Complies		

15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)	+1	Dumpster is incorporated into building with separate service access.
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)	N/A	
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)	N/A	
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)	+3	Good pedestrian circulation and good separation of systems. Good access to gondola.
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)	N/A	
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)	+4	All required parking is below building, out of public view.
18/R	Parking - Joint Parking Facilities	1x(+1)	0	
18/R	Parking - Common Driveways	1x(+1)	0	
18/R	Parking - Downtown Service Area	2x(-2/+2)	N/A	
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)	0	Project includes swimming pool, fitness center, four hot tubs and a commercial spa.
21/R	Open Space - Private Open Space	3x(-2/+2)	0	About 50% is undeveloped or open space.
21/R	Open Space - Public Open Space	3x(0/+2)	0	
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	4x(-2/+2)	+4	Very good landscaping plan with very large aspen (4" caliper minimum) and spruce (8'-24' tall). All landscaping is on irrigation system.
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)	0	Applicant will provide a minimum of 4.51% of density as off-site employee housing.
24/R	Social Community - Community Need	3x(0/+2)	0	
24/R	Social Community - Social Services	4x(-2/+2)	0	
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)	0	
24/R	Social Community - Historic Preservation	3x(0/+5)	N/A	
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15	N/A	
25/R	Transit	4x(-2/+2)	+4	Guest shuttle with covenant will be operated.
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)	0	
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)	0	
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	0	
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)	0	
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)	0	Water quality testing and monitoring program proposed. Good stormwater management plan proposed.
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)	0	
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)	-3	Most driveways, sidewalks and concrete terraces are heated.
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)	0	
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)	N/A	
37/R	Individual Sites	3x(-2/+2)	N/A	
37/R	Blue River	2x(0/+2)	N/A	
37R	Cucumber Gulch/Setbacks	2x(0/+2)	0	Building is placed per approved Development Agreement
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)	-2	48% of site is covered with buildings and hard surfaces
38/A	<b>Home Occupation</b>	Complies	N/A	
39/A	<b>Master Plan</b>	Complies		Shock Hill Master Plan will be modified with this application. Density will be transferred to this site from Upper Blue Transferable Development Rights program.
40/A	<b>Chalet House</b>	Complies	N/A	
41/A	<b>Satellite Earth Station Antennas</b>	Complies	N/A	
42/A	<b>Exterior Loudspeakers</b>	Complies		No exterior loudspeakers will be allowed, per Development Agreement.
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)	0	No public art proposed.
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>	VARIANCE		Variance granted for fence design
48/A	<b>Voluntary Defensible Space</b>	Complies		

**TOWN OF BRECKENRIDGE**

**Shock Hill Lodge and Spa, Tract C and Shock Hill Master Plan Modification  
Tract C, Shock Hill Subdivision  
200 Shock Hill Drive  
PERMIT #2010069 (Modification of Original Permit PC#2007109)**

**FINDINGS**

1. The proposed project is in accord with Chapter 1 of Title 9 of the Breckenridge Town Code (“Development Code”), 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 November 30, 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 December 7, 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, and if this application has been determined by the Director to be subject to the requirements of Article 65.5 of Title 24, C.R.S., 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., and no mineral estate owner has entered an appearance in the proceeding or filed an objection to the application as provided in Article 65.5 of Title 24, C.R.S., to the applicant or the Town.
7. **Per this Amendment to the Shock Hill Master Plan, the total allowed mass for Tracts C and E combined is 195,091 square feet as shown in the table below:**

	<b>Building E</b>		<b>Building C</b>	
Residential SFEs	66.70 SFEs	80,040 SF	57.00 SFEs	68,400 SF
Mass Bonus		20,010 SF		17,100 SF
Sub-total Mass		100,050 SF		85,500 SF
Commercial	5.30 SFEs	5,300 SF		
1/35 amenity (included in sub-total mass)		2,287 SF		1,954 SF
100% mass bonus		2,287 SF		1,954 SF
Sub Total Mass Allowed		107,637 SF		87,454 SF
<b>Total Mass Allowed, E and C</b>		<b>195,091 SF</b>		
Mass Proposed Tract E		110,664 SF		
Mass Proposed Tract C		84,367 SF		
Total Mass Used (includes gondola mid-station)		195,031 SF		
<b>Mass Remaining</b>		<b>60 SF</b>		

8. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.
9. The total mass for all development located in on Tracts C and E combined, including the Shock Hill gondola station, shall not exceed 195,091 square feet as listed above. The Planning Commission hereby finds that it is more practical for a large portion of the amenities for both Tract C and Tract E to be built on Tract E, and the Commission hereby authorizes the transfer of 3,074 square feet out of the allowed 3,908 square feet (amenity bonus included) of Meeting/Recreation/Leisure Amenity Area from Tract C to Tract E.
10. The property is located on Tract E, Shock Hill Subdivision. As such, the property is also within the Cucumber Gulch Overlay Protection District (but not the Cucumber Gulch Preventative Management Area), which set forth certain design criteria intended to protect the unique biological and environmental character of the Cucumber Gulch Preserve. When this project was first reviewed and approved (on January 22, 2008), the property was not subject to the Cucumber Gulch Overlay Protection District Ordinance, per a Development Agreement with Shock Hill Development, LLC, (reception #617308), approved February 15, 2000, since the Shock Hill Master Plan was vested until December 31, 2008.
11. An absolute policy is defined in 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.”
12. The Applicant is seeking a variance to Development Code Policy 47 (Absolute) (Fences, Privacy Gates and Gateway Entrance Monuments) of Section 9-1-19 of the Development Code (“Policy 47 (Absolute)”), for the construction of fences which do not meet the fence design criteria.
13. This project was previously approved on January 22, 2008 with the same fence designs as currently proposed. However, on March 25, 2008, the Town Council adopted Policy 47 (Absolute) after this project was approved.
14. Due to the unique location of this property adjacent to Cucumber Gulch Preserve, and adjacent to the BreckConnect Gondola (which runs through this property), and the volumes of people currently and in the future expected to pass by this property, and the wildlife expected and known to exist in this area, a variance from the design criteria of Policy 47 (Absolute) is warranted.
15. Policy 47 (Absolute) provides, in pertinent part, as follows:
  5. *Fences around ball fields, tennis courts, swimming pools or other outdoor recreation areas shall use black or dark green vinyl coated chain link fencing. Uncoated or galvanized chain link fencing is prohibited. This standard applies to fencing of both public and private recreation areas. Wind privacy screens may be incorporated into the fence.*
16. The Applicant seeks a variance from Policy 47 (Absolute) because the fence designs as proposed will be more compatible with a residential neighborhood, will blend in better with the natural surroundings, will provide better security and public safety, and will be more wildlife friendly than the fence designs otherwise required by Policy 47.
17. 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.*

18. 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.
19. 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.”
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 a design that is less compatible with the residential character of the neighborhood, is less attractive, and is a greater burden upon wildlife known to exist in this area. Under the circumstances presented in this Application, the denial of the Applicant's variance request would result in undue hardship.

- B. The failure to implement that portion of the requirements of Policy 47 (Absolute) is of insignificant proportions.

Reason/Factual Basis for Finding: Compared to be substantial safety, wildlife and aesthetic benefits to be derived by the public from the fence design as proposed, granting the variance and allowing a fence design with split rail wood at the gondola and vertical 3/4" metal square tube railings at the spa area is comparatively insignificant.

- C. The failure to implement the requirements of Policy 47 (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 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, Shock Hill Subdivision 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 development proposed, while safely protecting the general public from the dangers of the adjacent gondola cabins and the Applicant's private spas, without the use of properly designed fences.

- 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 gondola was not created by the Applicant, and the presence of the Cucumber Gulch Preserve adjacent to the property was not created by the Applicant.

- 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 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: The purposes of the Development Code are to protect property, protect public safety and protect the unique aesthetic values of the Town, and the proposed fence designs will do this to a greater extent than the designs otherwise required by Policy 47 (Absolute).

- 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: The fences as proposed are the least intrusive and most effective designs for this unique situation and location.

26. Accordingly, the Applicant's request for a variance from the requirements of Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments to allow the use of split rail fences at the gondola, and vertical 3/4" metal square tube railings at the spa, all as described in the Application and supporting documentation, is GRANTED.

27.

### **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 December 14, 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. "Substantial Construction" means the completion of the construction of footings, foundation and the installation of water and sewer service lines for a project. The completion of the foundation must be certified by the Building Official; the installation of the water service lines must be approved by the Town; and the installation of the sewer service lines must be approved by the Sanitation District. If the development permit for a project provides that the project will be constructed in phases, substantial construction must be achieved for each phase within the time period provided in the development permit.

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. 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. 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.
9. 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 snow plow equipment from damaging the new driveway pavement.
10. Applicant shall field locate utility service lines to avoid existing trees.
11. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
12. The building and project identification signs (Entrance Monument Signs) shown on Sheet GR 1.01 and Sheet GR 2.01 are not authorized by this permit. A separate sign permit is required prior to installing any signs on the property, other than signage that is exempt from the Breckenridge Sign Ordinance.
13. No exterior speakers or other devices for the amplification of sound are permitted on the outside of the building or on the grounds, with the exception of such devices required for emergency use.
14. Applicant shall implement all appropriate provisions (as determined by the Town) of the Town's "Cucumber Gulch Overlay Protection District Ordinance" (Ordinance 9, Series 2000).
15. The spas/hot tubs shall be designed so that when these spas/hot tubs are drained, water flows into the sanitary sewer system. At no time will water from these sources be allowed to drain into the stormwater system, nor toward Cucumber Gulch.
16. An improvement location certificate of the height of the top of the foundation wall, the horizontal location 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 improvement location certificate must be stamped and signed by a Colorado registered surveyor, and must be provided to the Town of Breckenridge a minimum of twenty-four (24) hours prior to the requested inspection.

17. Applicant shall reimburse the Town of Breckenridge for all extraordinary review fees and other expenses related to review of the approved or proposed development, including but not limited to environmental consultants and Town Attorney fees.

#### PRIOR TO ISSUANCE OF BUILDING PERMIT

18. Applicant shall submit proof of ownership of the project site.
19. Applicant shall submit to and obtain approval from the Town of Breckenridge of a Class B Subdivision permit dividing Tract E, Shock Hill, into two parcels, Tracts E-1 and E-2. Tract E-2, which will be approximately 2.25 acres and is which will be generally downhill and to the west of Tract E-1, as shown on the Development Agreement dated March 13, 2007 (Reception #851343), shall be dedicated to the Town of Breckenridge by general warranty deed in a form and substance acceptable to the Town Attorney. The conveyed property shall be subject to no liens or encumbrances, except the lien of the general property taxes for the year of conveyance.
20. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
21. 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.
22. 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.
23. 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.
24. 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. Construction access shall not be taken through the 50' Emergency Access, Utility and Drainage Easement at the end of the Shock Hill Drive cul-de-sac.
25. 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.
26. 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 maintenance of the snow melt system for the property in perpetuity.

27. 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 all pets to be leashed or contained within enclosures when on the property, and at all times for pets to avoid disturbance of and interference with wildlife within the Cucumber Gulch area.
28. 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 maintenance of the on-site water quality features for the property (including, but not limited to detention and retention ponds, bioswales, storm water pipes, water quality vaults, etc.) in perpetuity. The covenant shall authorize the Town of Breckenridge to inspect and perform maintenance on these water quality features, and to bill the owner or homeowners association if the Town needs to perform maintenance.
29. Applicant shall record with the Summit County Clerk and Recorder, the Town's standard Meeting /Amenity/Conference Room Covenant restricting 9,116 square feet of amenities and conference space in Tracts C and E combined, in perpetuity of the project. The covenant shall indicate that the additional amenity space at Tract E is provided in lieu of the required amenities at Tract C. The covenant shall require that the amenities be owned at all times as common property by an association, and shall not be allowed to be sold or owned by a private individual or entity.
30. Applicant shall revise the Tract C Stormwater Management Plan (Revision date November 26, 2007) to indicate that chain link fencing will be to the outside of the silt fence and hay bales. Applicant shall install construction fencing and erosion control measures according to the Tract C Stormwater Management Plan (Revision date November 26, 2007) and Stormwater Management Details (Revision date November 26, 2007), except as herein revised, along with the Preliminary Construction Activities Stormwater Management Plan for Shock Hill, Tracts C & E, (Revision date December 17, 2007) in a manner acceptable to the Town Engineer. An on site inspection shall be conducted and installation of erosion control measures shall be approved by the Town Engineer prior to start of construction, including tree removal.
31. 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.
32. Applicant shall submit a 24"x36" mylar copy of a revised Shock Hill Master 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. The Master Plan shall reflect the transfer of development rights and the new density on each of Tracts C and E, Shock Hill Subdivision.
33. Prior to recordation of the Shock Hill Master Plan amendment, or a notice of approval of a master plan amendment, Applicant shall pay for and obtain a certificate from the Upper Blue Basin Transferable Development Rights Program for thirty-three (33) Single Family Equivalents (SFEs) of density. A copy of the certificate shall be provided to the Town of Breckenridge.
34. 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. All exterior lighting shall comply with Ordinance 21, Series 2007, and Policy 46 (Absolute) Exterior Lighting, of the Breckenridge Development Code.
35. The snow melt system for the property shall be designed and installed so that melted snow is captured by a grate or is otherwise directed away from the public right-of-way. A detail for the design of this feature must be submitted to and approved by the Town Engineer, prior to issuance of a building permit.
36. Applicant shall implement the final water quality monitoring plan, addressing surface and ground water. The plan shall indicate the final number and location of testing sites, testing method and frequency, and

constituents to be tested. The plan shall be substantially similar to the “Shock Hill Tract C and E, Water Quality Baseline Testing Plan”, submitted by Peggy Bailey of Tetra Tech, dated January 9, 2008. The final plan shall be reviewed and approved by the Town of Breckenridge’s environmental consultant. The applicant and/or applicant’s consultants shall meet with the Town and its consultants on site, prior to start of construction, to determine the appropriate water quality testing locations. Prior to issuance of a building permit, a minimum of six surface samples shall be collected from each collection site (a minimum of 7 days apart for each site) for both surface and ground water, in order to establish a baseline for water quality. The results of all water quality tests shall be provided to the Town of Breckenridge within three (3) business days form receipt of the results from the testing laboratory. All water quality testing shall be performed in an EPA approved facility. If the water quality testing results indicate that the project is having a negative impact on water quality, the applicant shall meet with the Town as soon as practicable to determine a proper mitigation approach. Water quality testing shall continue for one year after certificate of occupancy is issued.

37. Applicant shall revise “The Shock Hill Lodge & Spa Breckenridge, Colorado Construction Management Plan, 11/14/07, Section 3.0, to indicate that construction hours are limited to 7:00 AM to 7:00 PM, Monday through Saturday. No construction is authorized on January 1<sup>st</sup>, December 25<sup>th</sup>, or the fourth Thursday of November, observed as Thanksgiving Day. Furthermore, Section 4.8 shall be revised to indicate that the “50’ Emergency Access, Utility and Drainage Easement” at the end of Shock Hill Drive shall not be used for construction access, parking or materials storage.

#### PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

38. Applicant shall execute and record with the Summit County Clerk and Recorder the Town’s standard employee housing covenant encumbering not less than 3,084 square feet of approved employee housing within the Upper Blue Basin. The Applicant’s selection of the employee-housing property is subject to Town approval. Applicant acknowledges that the Town’s employee housing covenant requires that there be no liens or encumbrances against the employee housing property, except for the lien of the general property taxes for the year in which the covenant is recorded. If this permit requires construction of new employee housing, Applicant also acknowledges that failure to obtain a Certificate of Occupancy for such employee housing may delay the issuance of a Certificate of Occupancy for the development of the property that is the subject of this permit. Applicant is encouraged to satisfy the employee-housing requirement with as many employee-housing units as possible.
39. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, native seed and mulch.
40. Per the approved Development Agreement dated March 13, 2007 and recorded with the Summit County Clerk and Recorder at Reception #851343, prior to issuance of a Certificate of Occupancy, applicant shall consult with the Town of Breckenridge Open Space and Trails staff, to determine if a split rail fence is needed on the downhill side of the development. If required by the Town, applicant shall install a buck and rail fence, in the locations required by the Town, to guide people toward the proper access points to existing trails and to Cucumber Gulch. Applicant shall be required to install and pay all expenses for the design, installation and maintenance of said fence(s).
41. Per the approved Development Agreement dated March 13, 2007 and recorded with the Summit County Clerk and Recorder at Reception #851343, prior to issuance of a Certificate of Occupancy, applicant shall consult with the Town of Breckenridge Open Space and Trails staff on the design and content of signage, which shall be placed in locations most likely to be seen by people approaching the Town’s Cucumber Gulch property from Tract C and Tract E-1. The signs shall contain information on the ecological function of the Gulch, the presence of the Boreal Toad, the prohibition of dogs in or near the Gulch, and the importance of staying on established trails. Similar signage and information shall be placed within the lobby or main entrance of the building, and within each residential unit. Applicant shall be required to install and pay all expenses for the design, installation and maintenance of said sign(s).

42. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches from Tract E and Tract E-2. 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.
43. 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 operation in perpetuity of a guest shuttle service for the property. The guest shuttle shall operate at a minimum from 8:00 AM until 11:00 PM each day, seven days per week.
44. 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, authorizing owners and guests of the Shock Hill Lodge, Tract C, Shock Hill Subdivision, to use the amenities within Shock Hill Lodge, Tract E, Shock Hill Subdivision. These amenities include, but are not limited to: conference rooms, swimming pools and spa deck, hot tubs, spas, fitness center, lodge room, lounge, café and grill, café terrace, ski storage, skier lounge, concierge and luggage room, and fire pit. The covenant shall require that the amenities be owned at all times as common property by an association, and shall not be allowed to be sold or owned by a private individual or entity.
45. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment, meters and utility boxes on the building a flat, dark color or to match the building color.
46. Applicant shall screen all utilities.
47. 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.
48. 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.
49. 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 cannot 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.**

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



# Shock Hill Tract C Class A Development Permit

BRECKENRIDGE, CO

**CRABBE FRANK ARCHITECTS**  
1880 LINCOLN ST. #200  
DENVER, CO 80202  
VOICE: 303.477.3381  
FAX: 303.962.1155

**ALLEN GUERRA**  
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT  
DENVER, CO  
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT  
DENVER, CO

CLIENT  
**AZCO II, LLC**  
64 RUBY TRUST WAY  
CASTLE ROCK, CO 80108

### LEGEND

- EXISTING CONTOUR LINE 2'
- EXISTING CONTOUR LINE 5'
- PROPOSED CONTOUR LINE 2'
- PROPOSED CONTOUR LINE 5'
- BOUNDARY LINE
- LOT LINE
- CASSEMENT
- TRAIL
- WADING ACTIVITY
- WETLANDS

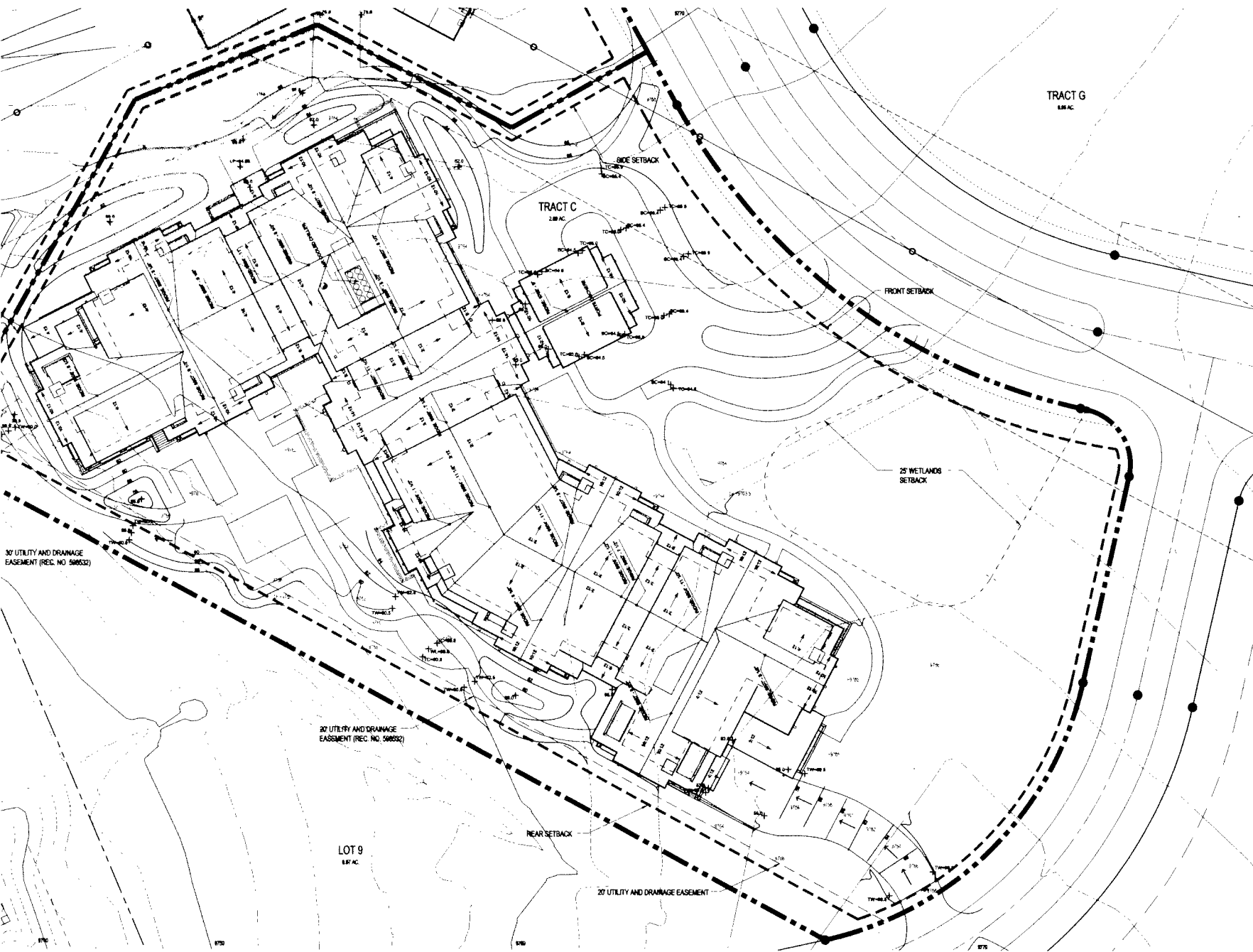
NOTE:  
1. SEE LA DRAWINGS FOR PROPOSED LANDSCAPE SCENE  
2. SEE LA DRAWINGS FOR TREE REMOVAL AND LA DRAWINGS FOR TREE PLANTING PLANS

TRACT C:  
LEVEL 10 - EL. 9740.0'  
LEVEL 11 - EL. 9750.0'  
LEVEL 12 - EL. 9760.0'  
LEVEL 13 - EL. 9770.0'

ISSUE:

No.	Issue	Date
1	Preliminary Dev. Permit Submittal	04.16.2007
2	Preliminary Dev. Permit Submittal	05.17.2007
3	Preliminary Dev. Permit Submittal	07.17.2007
4	Preliminary Dev. Permit Submittal	08.17.2007
5	Preliminary Dev. Permit Submittal	10.15.2007
6	Final Dev. Permit Submittal	11.28.2007
7		
8		

JOB NUMBER: \_\_\_\_\_  
SHEET TITLE: **ENLARGED ARCHITECTURAL SITE PLAN TRACT C**  
SHEET NUMBER: **A1.02**





# Shock Hill Tract C Class A Development Permit

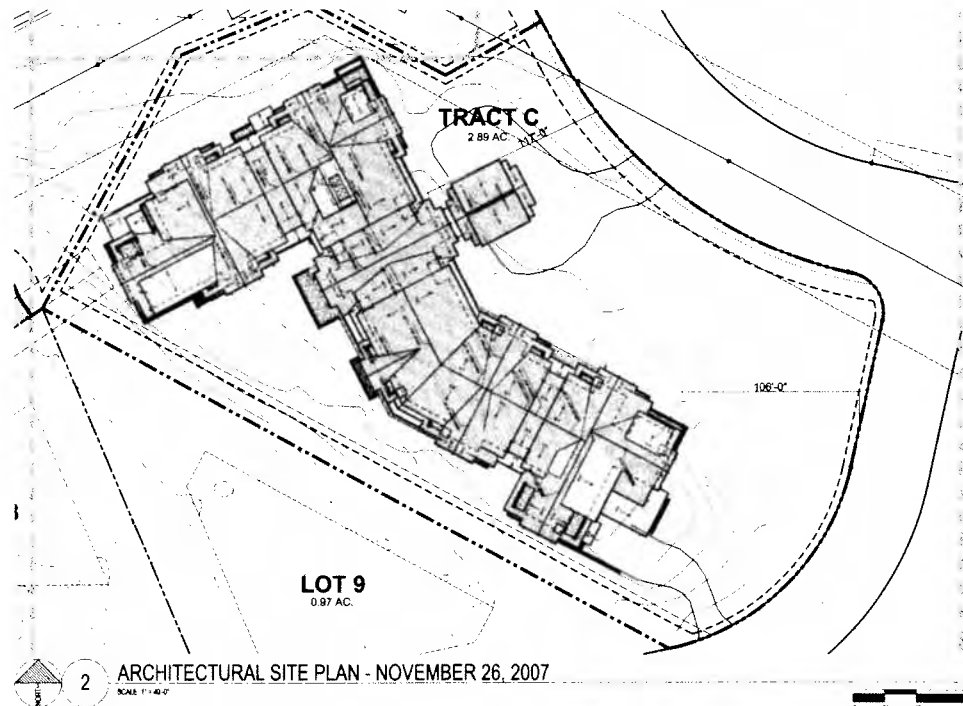
BRECKENRIDGE, CO

**GA** CRAINE FRANK ARCHITECTS  
1668 LINCOLN ST #400  
DENVER, CO 80203  
VOICE: 303.477.3381  
FAX: 303.862.1135

**ALLEN GUERRA**  
LANDSCAPE ARCHITECTS  
1500 17TH ST #100  
DENVER, CO 80202  
VOICE: 303.733.1111  
FAX: 303.733.1112

CLIENT:

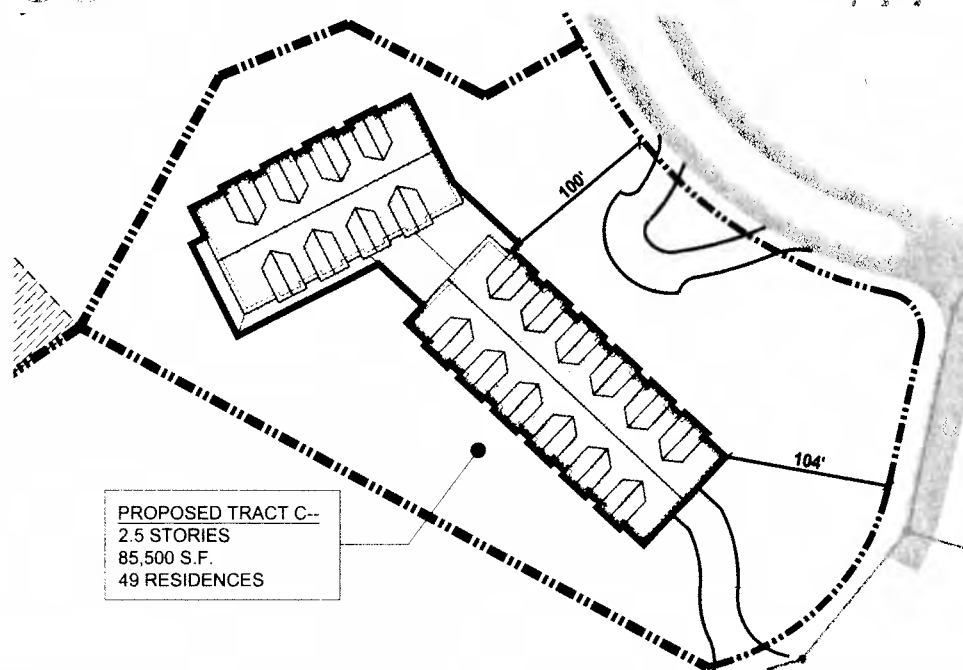
AZCO II, LLC  
54 RUBY TRUST WAY  
CASTLE ROCK, CO 80108



2 ARCHITECTURAL SITE PLAN - NOVEMBER 26, 2007

SCALE 1" = 40'-0"

NOTE:  
1. SEE LANDSCAPE ARCHITECT'S DRAWINGS FOR PROPOSED LANDSCAPE SCENE.



PROPOSED TRACT C--  
2.5 STORIES  
85,500 S.F.  
49 RESIDENCES

1 ARCHITECTURAL SITE PLAN - MARCH 13, 2007 - TOWN COUNCIL

SCALE 1" = 40'-0"

ISSUE:

No	Issue	Date
1	Preliminary Dev. Permit Submittal	04.16.2007
2	Preliminary Dev. Permit Submittal	05.17.2007
3	Preliminary Dev. Permit Submittal	07.17.2007
4	Preliminary Dev. Permit Submittal	08.17.2007
5	Preliminary Dev. Permit Submittal	10.15.2007
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7		
8		

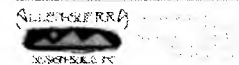
JOB NUMBER: 07010  
SHEET TITLE: COMPARISON ARCHITECTURAL SITE PLANS TRACT C

SHEET NUMBER: A1.11

# Shock Hill Tract C Class A Development Permit

Breckenridge, CO

**CRANE FRANK ARCHITECTS**  
1558 LINCOLN ST #400  
DENVER, CO 80202  
VOICE: 303.477.3331  
FAX: 303.442.1135



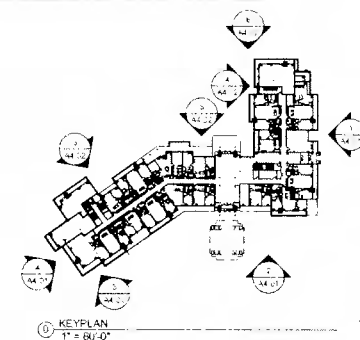
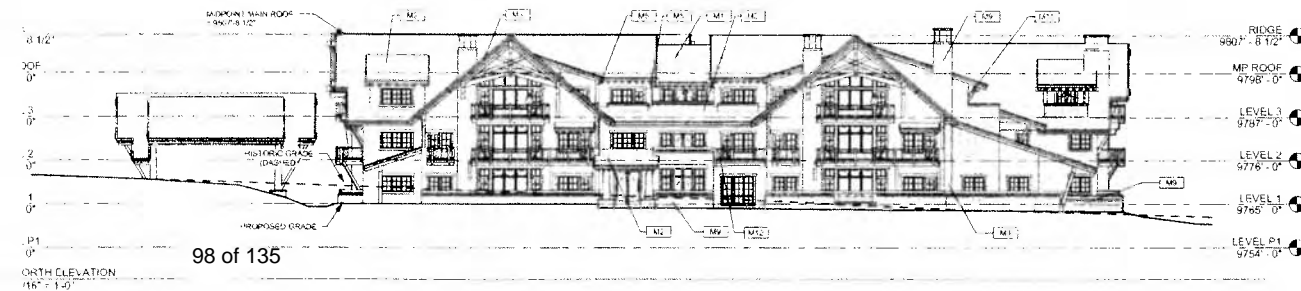
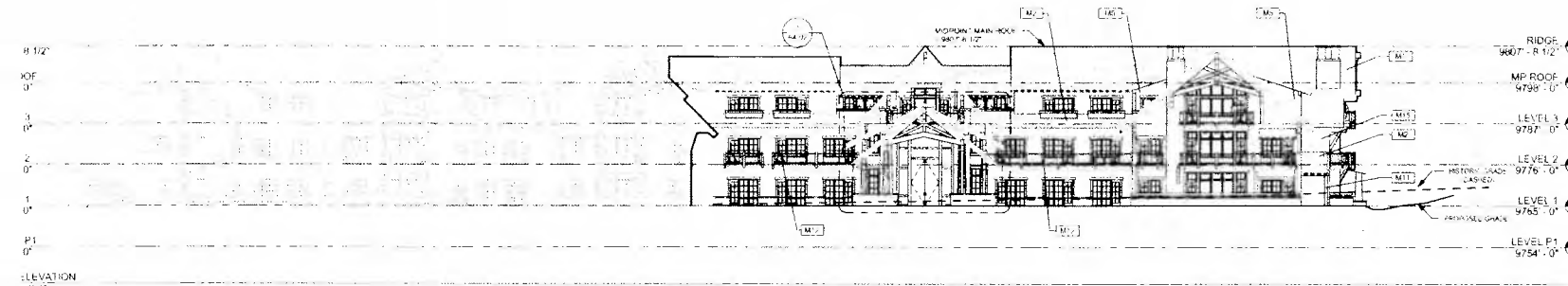
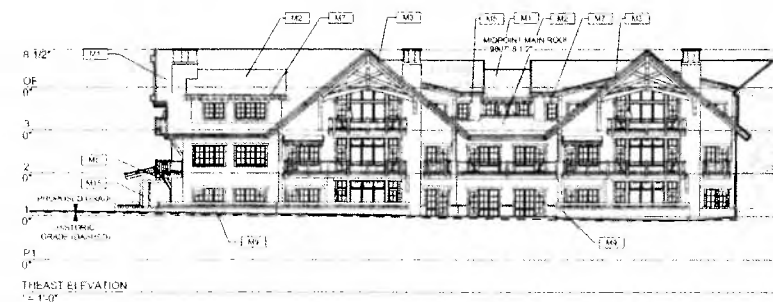
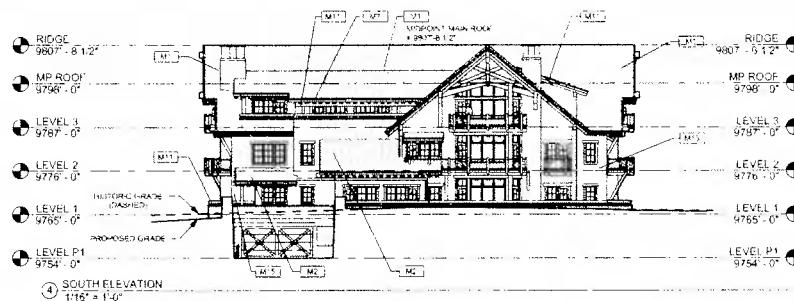
CLIENT: AZCO II, LLC  
844 RUBY TRUST WAY  
CASTLE ROCK, CO 80108

**GENERAL ELEVATION NOTES:**

- FOR FINISHING AND COLORATIONS, SEE IN ADDITION ROOF PLAN A2.01
- REFER TO ATTACHED MATERIALS SCHEDULE FOR SPECIES AND COLORS

MATERIALS LEGEND	
LABEL	ITEM DESCRIPTION
M1	MAIN ROOF: CLEAR SHAKES, 18" X 36" SHIP LAP, 11" OVERHANG, 12" MIN. SLOPE
M2	SECONDARY ROOF: STAINING SHAKES, 18" X 36" SHIP LAP, 11" OVERHANG, 12" MIN. SLOPE
M3	TRUSS: BRUSHED PINE, 2x4 OR 2x6, STAINED PINE
M4	VERTICAL SIDING: VERTICAL CEDAR SHIP LAP, 12" OVERHANG, 12" MIN. SLOPE
M5	HORIZONTAL SIDING: HORIZONTAL CEDAR SHIP LAP, 12" OVERHANG, 12" MIN. SLOPE
M6	STONE VENEER: DRY STACKED, MEDIUM BROWN, GALLIUM ORPHEUS, 18" X 18" UNIFORM, 12" OVERHANG, 12" MIN. SLOPE
M7	TRIM: 1x4, 1x6, 1x8, 1x10, 1x12, STAINED PINE
M8	DOOR: 36" X 80", STAINED PINE, 1 1/2" THICK, 12" OVERHANG, 12" MIN. SLOPE
M9	WINDOW: 36" X 48", STAINED PINE, 1 1/2" THICK, 12" OVERHANG, 12" MIN. SLOPE

SEE 3D RENDERING MATERIALS WITH COLOR FOR SPECIES AND COLORS



ISSUE		
No.	Date	Description

DATE: 10/15/2024  
SHEET TITLE: Building Elevations



# Shock Hill Tract C Class A Development Permit

Breckenridge, CO

**CFA** CRAINE PRAHM ARCHITECTS  
1580 LINCOLN ST #400  
DENVER, CO 80202  
VOICE 303 471 3381  
FAX 303 962 1135

**ALLEN/SERRA** ARCHITECTURE  
DESIGN/CONSTRUCTION  
1125 W. 10TH AVE  
DENVER, CO 80202  
TEL 303 733 7222

OWNER: AZCO II LLC  
644 RUBY TRUST WAY  
CASTLE ROCK, CO 80108



SOUTHWEST PERSPECTIVE



NORTHWEST PERSPECTIVE

ISSUE NO	Issue	Date
1	PRELIMINARY PERMIT	11/11
2	PERMIT TO CONSTRUCT	07/21/12
3	PERMIT TO CONSTRUCT	11/13/12
4	PERMIT TO CONSTRUCT	07/23/13
5	PERMIT TO CONSTRUCT	03/22/17
6	PERMIT TO CONSTRUCT	11/28/17

VIEWNAMEP  
SHEET TITLE Perspective Views

SHEET NUMBER **A4.11**

## Planning Commission Staff Report

**Project Manager:** Chris Neubecker, AICP

**Date:** November 30, 2010 (For meeting of December 7, 2010)

**Subject:** Shock Hill Lodge and Spa, Tract E Permit Extension, PC#2010068  
Shock Hill Master Plan Modification Permit Extension  
(Class B, Combined Preliminary and Final Hearing, Original Permit PC#2007108)

**Applicant/Owner:** AZCO II, LLC; John Niemi

**Proposal:** To extend the duration of the development permit and the vested property rights for the Shock Hill Lodge. The original permit authorized the construction of a 57-unit condo-hotel with commercial spa, small bar, café, outdoor amenities area, and underground parking. A modification to the Shock Hill Master Plan is also proposed, pursuant to a previously approved Development Agreement, for the transfer of 6 residential SFEs of density to this site. No changes are proposed to the approved plan; however a variance is included for the design of the fence at the swimming pool and near the gondola.

**Address:** 260 Shock Hill Drive

**Legal Description:** Tract E, Shock Hill Subdivision

**Site Area:** 4.37 acres (190,357 sq. ft.) *(Note: The original tract was 6.67 acres; as a commitment of the Development Agreement, the applicant will donate 2.3 acres, known as Tract E-2, to the Town as open space, leaving 4.37 acres for development.)*

**Land Use District:** 10: Residential-2 UPA, Single Family, up to 8-plex, townhouses  
Subject to the Shock Hill Master Plan, which identifies this site for multifamily / lodge (hotel/lodge/inn) with 60.7 SFEs of residential density, plus 5,300 square feet of commercial density (retail shops, spa/health club, business center, and restaurant/bar.)

**Site Conditions:** The site is undeveloped, except for the gondola mid-station in the southeast corner of the site and a small sales office adjacent to the gondola. The site is moderately forested with mostly lodgepole pine trees. There is an abandoned Nordic ski trail that crosses through the center of the tract.

The 100' gondola aerial tramway access easement crosses though the southeastern and southern part of the lot. There is a 25' public trail easement along the north lot line, and a 20' drainage easement along the northwest property boundary. Additionally, there are several trail easements on the west side of the property, either along the boundary with Tract E-2, or within Tract E-2. The site slopes downhill to the south and west, at an average rate of 13% within the development area, and as much as 38% within Tract E-2, which would be dedicated to the Town as open space.

**Adjacent Uses:** North: Single family homes and lots South: Gondola and vacant lodge site  
 East: Shock Hill Drive/Shock Hill Cottages West: Cucumber Gulch

**Density:** Allowed:

Residential density per existing Master Plan:	60.7 SFEs (72,840 sq. ft. residential)
<u>Commercial density per existing Master Plan:</u>	<u>5.3 SFEs (5,300 sq. ft. commercial)</u>
Total Existing:	66 SFEs (78,140 sq. ft.)

<u>Density transfer proposed:</u>	<u>6 SFEs (7,200 sq. ft. residential)</u>
Total with Density Transfer:	72 SFEs (85,340 sq. ft.)

Proposed:

Residential density proposed:	66.68 SFEs (80,025 sq. ft. residential)
Commercial density proposed:	2.77 SFEs (2,772 sq. ft. commercial)
<u>Gondola mid-station* (commercial):</u>	<u>0.12 SFEs (120 sq. ft. commercial)</u>
Total proposed:	69.57 SFEs (82,917 sq. ft.)

*(\*Note: The existing gondola mid-station on Tract E has used 120 square feet of density, which comes from the density on Tract E, per the Gondola staff report, December 3, 2004. Also, the sales center, which counts as density, will be removed from the site prior to the start of construction, and so these numbers do not include the density of the sales office which is 240 square feet.)*

**Mass:**

Allowed under existing Master Plan:	91,050 sq. ft.
Commercial density/mass (no bonus):	5,300 sq. ft.
<u>Additional mass with density transfer:</u>	<u>9,000 sq. ft.</u>
Total allowed after density transfer:	105,350 sq. ft.

Mass bonus for extra amenities (Tract E):	2,287 sq. ft.
<u>Amenity mass “transferred” from Tract C:</u>	<u>3,074 sq. ft.</u>
Total mass allowed:	110,711 sq. ft.

Existing mass (gondola mid-station):	120 sq. ft.
<u>Proposed new mass:</u>	<u>110,544 sq. ft.</u>
Total mass:	110,664 sq. ft.

*(The mass “bonus” for extra amenities is allowed by Policy 24/R, Section D-Meeting and Conference Rooms or Recreation and Leisure Amenities. When provided over and above the required amenities of 1 square foot per 35 square feet of gross dwelling area, this bonus does not count toward the mass or density, up to 200% of the required density. However, the initial required amenities count as mass, but not density. As proposed, the mass bonus would be transferred from Tract C to Tract E, to allow more amenities in Tract E. Those additional amenities would be made available to the guests of Tract C. Also, the sales center, which counts as density, will be removed from the site prior to the start of construction, and so these numbers do not include the density of the sales office which is 240 square feet.)*

**Mass Tracking (Tracts C & E Combined):**

	<b>Building E</b>		<b>Building C</b>	
Residential SFEs	66.70 SFEs	80,040 SF	57.00 SFEs	68,400 SF
Mass Bonus		20,010 SF		17,100 SF
Sub-total Mass		100,050 SF		85,500 SF
Commercial	5.30 SFEs	5,300 SF		
1/35 amenity (included in sub-total mass)		2,287 SF		1,954 SF
100% mass bonus		2,287 SF		1,954 SF
Sub Total Mass Allowed		107,637 SF		87,454 SF
<b>Total Mass Allowed, E and C</b>		<b>195,091 SF</b>		
Mass Proposed Tract E		110,664 SF		
Mass Proposed Tract C		84,367 SF		
Total Mass Used (includes gondola mid-station)		195,031 SF		
<b>Mass Remaining</b>		<b>60 SF</b>		

**Height:** Recommended: 26' mean (2 stories)  
Proposed: 38' (mean; 1 story over)

**Lot Coverage:** Building / non-Permeable: 51,515 sq. ft. (27.07% of site)  
Hard Surface / non-Permeable: 32,389 sq. ft. (17.02% of site)  
Existing Gondola Mid-Station: 9,689 sq. ft. (5.09% of site)  
Open Space / Permeable Area: 96,764 sq. ft. (50.82% of site\*)  
*(Note: This includes only open space on Tract E-1. It does not include Tract E-2, which will be donated to the Town of Breckenridge per the earlier Development Agreement.)*

**Parking:** Required: 81 spaces (residential)  
Required: 9 (commercial)  
Total required: 90 spaces  
Proposed: 90 spaces

*(Note: All parking is proposed below the building. There will also be a few short-term parking spaces at the porte-cochere for check-in and shuttle vans, which have not been counted toward the parking provided.)*

**Snowstack:** Required (25% of non-snow melted areas): 28 sq. ft. (25%)  
Proposed: 110 sq. ft. (97%)  
*(Note: The driveway at the porte-cochere and access to the service area and underground parking will be heated with a snowmelt system. In addition, all of the pedestrian pathways at the sides and rear of the building will be snow melted, but adequate space has been provided for snow stacking, if needed. A covenant will be required guaranteeing maintenance of the snowmelt system).*

**Setbacks:** Front/East: 15 ft. Rear/West: 50 ft.  
Side/South: 85 ft. Side/North: 31 ft.

**Bedrooms:** Allowed (Tract E, per Development Agreement):146  
Proposed: 123

### Item History

In March 2007 the Town Council approved a Development Agreement with AZCO II for the development of two lodge buildings in Shock Hill (Tract C and E). The Development Agreement authorized the transfer of up to 39 SFEs of density to the property. In exchange, the applicant agreed to develop the property as a condo-hotel on both Tract C and Tract E (as opposed to townhomes, which could have been built on Tract C, or a hotel/lodge/inn, which was required on Tract E) with underground parking. The condo-hotel footprint, which was identified in the Development Agreement, resulted in the greater likelihood of “hot beds” (rental units) and less site impacts. Furthermore, the applicant agreed to best management practices during construction, donation of open space to the town, and other design features which the Town Council determined were in the best interest of the community and adjacent Cucumber Gulch Preserve wetlands.

This site plan and architecture of the Shock Hill Lodge project, as well as the amendment to the Shock Hill Master Plan, were approved by the Planning Commission on January 15, 2008 and by the Town Council on January 22, 2008. The project never began construction, and the applicants are proposing to renew the duration of the development permit, and the vested property rights, for three more years.

The review of this project (along with a similar project on Tract C) went through several public hearings with both Planning Commission and Town Council. Issues discussed included traffic impacts, environmental impacts, building heights, materials, site plan, landscaping, and trails and open space.

### Development Agreement

Following are the key points from the Development Agreement approved by the Town Council in March 2007, and how it relates to development of this site.

The Development Agreement with AZCO II allows for the transfer of up to 39 SFEs of density from the Upper Blue Density Bank to Tracts C (33 SFEs) and Tract E (6 SFEs). The agreement identified design criteria that are above and beyond those otherwise required by Town Codes. These include:

- Developing the site plan in a manner “substantially similar” to the plan shown to the Town Council.
- Operating the lodge as a condo-hotel, with a density multiplier of 1,200 square feet per SFE.
- Purchase any extra density from the Density Bank, and pay the “then current price” for the density.
- Dedicate Tract E-2 to the Town as public open space.
- Operate a shuttle service for guests of both Tracts C and E.
- Record a covenant requiring replacement of trees that die that were identified as being saved as a result of Tract C being developed as a condo-hotel, rather than townhomes.
- Design buildings using best efforts to mitigate the visual impacts of the development from the areas of Cucumber Gulch to the west of the Tracts to the extent practical.
- Implement all appropriate provisions of Section 11 and Section 12, Best Management Practices, of the Town’s “Cucumber Gulch Overlay Protection District Ordinance”.
- Construct a buck-and-rail fence on the downhill side of the Town’s trail located to the west of Tract E, if requested by the Town.



- Place signs on the property at key access points to Cucumber Gulch, containing information concerning the importance of the Gulch, its ecological function, the presence of the Boreal Toad, the prohibition of dogs and the importance of staying on established trails. Similar signs shall be placed in the lobby and the individual units.
- The building on Tract C shall not exceed 125 bedrooms; the building on Tract E shall not exceed 146 bedrooms.

The agreement also indicates that the requirement to provide any of these elements above and beyond the Town Codes does not preclude the applicant from earning possible positive points under the applicable Development Code policies.

### **Code Changes Since Approval in 2008**

Since this project was approved in 2008, there have been a few changes to the Development Code that relate to this project. These include:

**Policy 46 (Absolute) Exterior Lighting Policy:** This policy was adopted after the applicant had submitted their development application, but before the application was formally approved. This policy sets design criteria for exterior lighting with the goal of protecting the night sky, minimizing glare, and improving aesthetics.

**Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments:** This policy was adopted to maintain the open and natural character of the town, to prevent hindering of wildlife movement, and to prevent fences and gates that create an unwelcoming community. The policy allows fences in certain circumstances, and sets design criteria where fences are allowed.

**Policy 48 (Absolute) Voluntary Defensible Space:** This policy was adopted to allow property owners to voluntarily remove trees to create defensible space and to reduce the risk of wildfire. Initially the Town adopted a mandatory defensible space policy, which was then repealed based upon concerns and a petition from local citizens.

### **Staff Comments**

**Master Plan (39/A):** The applicant is proposing to modify the Shock Hill Master Plan as part of this proposal, which would increase the density by six (6) residential SFEs for Tract E. The uses for this site (identified in the Master Plan as “lodge/multi-family”) remain essentially unchanged, except that the term proposed in the Master Plan would be “condo-hotel”. This designation allows the construction of residential units with kitchens, whereas the previous master plan note required a “hotel/lodge/inn” which prohibits the installation of kitchens in the units. Staff has no concerns with this modification.

**Land Use (Policies 2/A & 2/R):** The site is still proposed as a condo-hotel, including a 24-hour front desk, centralized telephone system, food service, meeting rooms and amenities. A small commercial spa and commercial bar/café are also proposed. The applicant has selected to provide most of the required areas as amenities (spas, fitness center, pool, etc.) rather than meeting rooms, which is allowed in the current Development Code. Only one small meeting room (326 square feet) is proposed, adjacent to the administration area. In addition, the building on Tract E will accommodate some of the amenities required for the building on Tract C. This “total” mass bonus has been tracked on the plans submitted by the applicant, and will be included in the Findings and Conditions.

As proposed, Tract E includes 7,648 square feet of amenity area. This is equal to 180% of the required amenity or meeting room space for both Tracts C and Tract E. Condo-hotels are allowed to provide up to 100% additional floor area, above and beyond the required amount of meeting space and amenity areas. This additional area is not counted toward the allowed density or mass. A covenant will be required that guarantees these areas to remain as amenities in perpetuity.

**Density/Intensity (3/A & 3/R)/Mass (4/R):** With the proposed density transfer and Master Plan modification, the project will be within the allowed density. A density transfer certificate from the Upper Blue Transfer of Development Rights program will be required prior to the issuance of a building permit, and has been made a Condition of Approval.

**Architectural Compatibility (5/A & 5/R):** Per this section of the code:

*A. General Architectural And Aesthetic Compatibility: All proposed new developments, alterations, or additions are strongly encouraged to be architecturally compatible with the general design criteria specified in the land use guidelines. It is strongly encouraged that cut and fill slopes be kept to a minimum, and that the site, when viewed from adjacent properties, be integrated into its natural surroundings as much as possible. In addition, excessive similarity or dissimilarity to other structures existing, or for which a permit has been issued, or to any other structure included in the same permit application, facing upon the same or intersecting streets within the same or adjacent land use districts is discouraged. This section only applies to areas outside of the historic district. (Ord. 19, Series 1995)*

No changes are proposed to the architectural style or materials. The building evokes the characteristics of a grand lodge, with large sheltering roofs, heavy exposed timbers, natural stone and timber siding, exposed rafter tails, plenty of gable and shed dormers, and steeply pitched roofs.

Staff recommends positive three (+3) points under policy 5/R-Architectural Compatibility, for the overall architectural design. This point recommendation remains the same as the final approval in 2008.

**Building Height (6/A & 6/R):** *The height of a building has many impacts on the community. Building heights that exceed the Land Use Guidelines can block views, light, air, and solar radiation; they can also disrupt off site vistas, impact scenic backdrop and penetrate tree canopies that provide screening to maintain a mountain forest character. It is encouraged that the height of new buildings be controlled to minimize any negative impacts on the community.*

Land Use District 10 recommends buildings no taller than 2 stories, or 26' to the mean elevation of the roof. As proposed, staff has measured the building at 38' to the highest mean elevation. This equates to negative ten (-10) points, for exceeding the recommended height by 1 story (12').

*(b.) For all structures except Single Family and Duplex Units outside the Historic District: Additional negative or positive points may be assessed or awarded based upon the Planning Commission's findings of compliance with the following:*

- 1 x (-1/+1) 1. It is encouraged that buildings incorporate the upper most story density into the roof of the structure, where no additional height impacts are created.*

- 1 x (-1/+1) 2. Buildings are encouraged to provide broken, interesting roof forms that step down at the edges. Long, un-broken ridgelines, 50 feet or longer, are discouraged.

Staff appreciates the way that the building steps with the natural grade of the site. The taller sections are on the north side of the building, and the roof form steps down as the site slopes to the south. We believe that the plans show a good job of incorporating density into the roof of the building, which is encouraged, especially where the building exceeds the recommended height. The roof is also broken up well with a variety of pitches and roof types. Staff recommends a total of two (+2) positive points for these two features.

**Site Plan:** No changes are proposed to the site plan. The footprint location substantially matches the exhibit in the Development Agreement, and is exactly the same at the rear of the building, which is 312' from the Gulch. (See Sheet A1.11)

**Site and Environmental Design (7/R):** *The Town hereby finds that it is in the public interest for all sites within the community to be designed, arranged, and developed in a safe and efficient manner. The arrangement of all functions, uses, and improvements should reflect the natural capabilities and limitations of the property. This policy is also intended to discourage levels of development intensity that result in generally compromised site functions, buffering and aesthetics. Taking into consideration the basic character of the site and the nature of the proposed uses, the development should be visually harmonious as perceived from both the interior and exterior of the project. Platted lots with building envelopes, site disturbance envelopes, or designated building locations are still subject to the following rules and recommendations unless noted otherwise.*

No changes are proposed to the site from the plans approved in 2008. A variety of surfaces are proposed for the pathways, including colored concrete for the driveways, irregular and rectilinear stone paving, and stepping-stones. Landscape boulders will be used throughout the site as an accent along pedestrian paths.

2X(-2/+2) C. Retaining Walls: *Retaining wall systems with integrated landscape areas are encouraged to be provided to retain slopes and make up changes in grade rather than cut/fill areas for slope retention.*

*Retaining wall systems made of, or faced with, natural materials such as rock or timbers are preferred. Other materials that are similar in the nature of the finishes may be considered on a case-by-case basis, but are not recommended for use in highly visible locations.*

*Smaller retaining wall systems, up to 4 feet tall, that incorporate vegetation between walls without creating excessive site disturbance are preferred. It is understood that, depending on the slope of the site, the height of retaining walls may vary to minimize site disruption. If an alternative site layout that causes less site grading and complies with all other relevant Development Code policies is viable, then it should be strongly considered.*

Retaining walls will be either dry stacked or structured and faced with natural stone. Staff notes, however, that in some of these areas, the retaining walls will still be quite tall. Retaining walls up to 10-foot tall are proposed at the rear of the building. Also, near the entrance to the parking garage, walls up to 16-foot tall are necessary to retain the grade to the north and to allow for parking below the building. However, these walls are proposed in lieu of significant site grading, and will help to preserve existing trees. Tall retaining

walls have been separated into two walls, with landscaping proposed between the walls. This will help to soften the impact of the wall with the introduction of trees and shrubs. Staff supports this design. We recommend positive two points (+2) under this policy.

**Ridgeline and Hillside Development (8/A):** As approved, the project was determined to be “hillside or ridgeline development”. This is due primarily to the topography of the site, and the locations of parts of the building close the ridge. Where development is permitted on or near ridgelines, the development must be designed to follow certain standards. These standards address site planning, site grading, cut and fill, retaining walls, design of structures, exterior materials, existing and proposed vegetation, tree canopy, and exterior lighting. Following is an explanation of how this project responds to these design criteria:

Site Plan: The northwest corner of the building was previously shifted to the east, away from the ridge by about additional 35 feet. This change results in increased setbacks and also additional tree preservation. All driveways are on the east side of the building, away from ridges and areas of concern. An emergency access road is proposed along the south side of the building, next to the gondola.

Site Grading/Cut and Fill/Retaining Walls: There is no significant cut or fill visible from the Gulch. The grading at the rear of the building has been reduced to preserve additional trees on the west side of the building, adding buffer. Retaining walls are proposed on the west side, but these would only be visible from within the project. All retaining walls will be faced with natural stone to match the building.

Design of Structures: The building responds to the natural topography of the site, and steps down as the grade steps. Roofs are broken up well, with a variety of planes, pitches and roof types. The building is broken into distinct modules and facades. All windows use non-reflective glass.

Exterior Materials: All natural exterior materials are proposed. This includes large exposed timbers, wood siding and natural stone. The siding is proposed with a dark stain to blend into the background.

Existing and Proposed Vegetation: As mentioned above, the site plan was previously revised to preserve additional trees on the downhill side of the building. A comprehensive landscaping plan is proposed to supplement the existing forest, including new plantings that include some very large trees to provide additional screening.

Tree Canopy: The tree canopy on Tract E is approximately 45-55 feet tall. The tallest parts of the building are about 52 feet to the ridge, which is near the main entrance (eastern part) of the building. The existing trees on the west side of the site should help to significantly buffer the building when viewed from Cucumber Gulch to the west.

Exterior Lighting: Exterior lighting is designed to minimize off site visibility and glare. All proposed lighting meets the new lighting policy with the use of fully shielded fixtures, and a lighting plan has been submitted.

Staff believes that the proposed design meets the design requirements of Policy 8/A- Ridgeline and Hillside Development.

**Placement of Structures (9/A & 9/R):** The location of the building is virtually identical to the site plan exhibit in the approved Development Agreement. The agreement indicates that the development plans need to be “substantially similar” to the exhibit site plan. As you can see from the site plan submitted for

the Development Agreement (Sheet A1.11), the building was shown approximately 30' from the right of way, and is now proposed about 37' away, except for the porte-cochere. The main body of the building was 164' from the eastern property line, and is now 171'. Most importantly, the rear setback (from Cucumber Gulch) was 312' in the agreement, and is now 312'.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):**

3 x (-2/+2)

*A. Accessibility: It is encouraged that internal circulation systems provide the types, amounts, and locations of accessibility needed to meet the uses and functions of the movement of persons, goods, services, and waste products in a safe and efficient manner, with maximum use of pedestrian orientation, and a minimum amount of impervious surfaces. Internal circulation elements should be designed in such a manner that the elements are integrated with each other as well as possible, and that conflicts between elements are minimized. The following represent the criteria utilized to analyze how well the project has met this particular policy.*

*(1) Pedestrian Circulation: Whenever appropriate to the type and size of the development, the inclusion of a safe, efficient and convenient pedestrian circulation system is encouraged. The provision of pedestrian circulation areas adjacent to and at the same level as adjacent sidewalks is strongly encouraged.*

*(2) Separation Of Systems: The separation of circulation systems and patterns which are basically incompatible is encouraged.*

*(3) Delivery Areas: Delivery areas and refuse pickup should be located away from public spaces.*

No changes are proposed to the vehicle and pedestrian circulation. Vehicles still access the building from a driveway on the northeast side of the site, with temporary parking at the porte-cochere near the main entrance. Separate service access is provided for trash and deliveries. Emergency access is provided on the south side of the site, adjacent to the gondola. Good pedestrian circulation is proposed, with access to Tract C along the sidewalk or via a pedestrian pathway at the rear of the buildings.

Staff is pleased with the access design. Pedestrian and vehicle circulation is still separated, and a good pedestrian connection to Tract C is still proposed. Staff supports the proposed circulation plan, and we recommend three (+3) points for separation of uses.

**Parking (18/A & 18/R):**

2 x (-2/+2)

*(1) Public View: The placement and screening of all off street parking areas from public view is encouraged.*

No change is proposed for the parking. All parking is still proposed below the building, except for a few short-term spaces near the porte-cochere, for check-in and shuttle vans.

Staff recommends positive four (+4) points under Policy 22/R providing for all the required parking below the building and out of public view.

**Landscaping (22/A & 22/R):** The current landscaping plan includes 119 conifers and 113 aspen. The conifers include a mix of fir and spruce trees. They range in size from 8 feet to 24 feet tall. Aspen trees range from four-inch to six-inch caliper. These are some of the largest trees we have seen proposed on projects in Breckenridge. In addition, a substantial shrub, perennial and ground cover plan is proposed. A covenant will be recorded requiring replacement of dead trees.

As a comparison, three similarly sized multi-family projects are listed below. Each received positive four (+4) points under policy 22/R-Landscaping:

Project	Conifers	Deciduous	Points
VRDC at Peak 7	110 (6'-12' tall)	237 (1"-3" caliper)	+4
Grand Timber at Peak 7	110 (6'-18' tall)	235 (1"-3" caliper)	+4
Mountain Thunder, Phase I (3 buildings)	283 (8'-24' tall)	150 (1.75"-3" caliper)	+4
Tract E, Shock Hill	119 (8'-24' tall)	113 (2"-4" caliper)	?

The proposed plan includes more evergreen trees but significantly fewer deciduous (aspen) trees from these similar projects. However, the proposed plan also includes significantly larger conifer and aspen trees, with a minimum caliper of two-inches, up to a maximum of four-inches. These are very large trees that will have an immediate impact. The very tall conifers will help to provide additional screening. Many of the larger conifers are proposed to the west at the rear of the building to help further buffer the site when viewed from Cucumber Gulch. Staff recommends positive four (+4) points under Policy 22/R-Landscaping.

**Greywater:** At a previous meeting the Commission asked about the possible recycling of greywater from the building (showers, sinks, etc.) for irrigation of the landscaping. Staff has done some research on this topic, but it appears that there are several issues stopping this from happening with this proposal and in town.

There are environmental issues with re-introduction of greywater so close to Cucumber Gulch. Any reintroduction of water would first require treatment, which would likely involve chemicals that could harm Cucumber Gulch. Furthermore, there are public health issues, as this water usually contains some bacteria and other potential pathogens. Any re-use of greywater or blackwater (from toilets) requires a Colorado Department of Public Health permit, which would likely only allow reintroduction of this water 10"-12" below ground, and hence could not be used for a drip irrigation system. For these reasons, the re-use of grey water is not proposed.

**Social Community / Employee Housing (24/A & 24/R):** No on-site employee housing is proposed. Employee housing will be provided off-site, with a minimum of 3,848 square feet of deed-restricted employee housing (4.51% of the density) proposed, as identified in the Development Agreement. The agreement indicates that the applicant will provide sufficient employee housing in a manner as to achieve zero or more points under this policy. This has been made a condition of approval, "Prior to Issuance of a Certificate of Occupancy" for this site.

**Drainage and Stormwater Management (27/A & 27/R):** A stormwater management plan was provided for the initial review of this project. No changes are proposed since the last meeting. A variety of systems are proposed to improve water quality and minimize the impacts to Cucumber Gulch. These include sedimentation ponds, silt fencing and hay bales during construction, and a series of detention ponds, drywells, bio-swales and mechanical treatments units for post-construction. It is anticipated that the

locations of detention ponds and swales will be the same or very similar during construction and post-construction.

During construction, vehicle tracking and tire washing stations would be used at entrances to the site to prevent silt runoff. Inlet protection would also be provided at all existing culverts within 500 feet from the project site. We have added a Condition of Approval requiring a covenant for the maintenance of the detention ponds and other water quality features.

Staff notes that we have verified that water from the swimming pool and spas will not be drained to Cucumber Gulch, but will rather flow to the sanitary sewer system. The Breckenridge Sanitation District has approved this method of spa and pool water disposal.

**Water Quality Monitoring:** The applicant has submitted a comprehensive water-quality monitoring plan, prepared by their consultant, Peggy Bailey, Senior Hydraulic Engineer with Tetra Tech. The plan includes four surface water and three ground water testing sites, with final site locations to be agreed upon between Tetra Tech and ERO Resources. Groundwater would be sampled and tested monthly for a variety of possible contaminants. Surface water would be sampled and tested more frequently, including:

May 1-June 1: Weekly for six weeks and after a storm event

June 15-September 1: Every six weeks and after a storm event

September through November: Monthly and after a storm event

December-April: Monthly and after a storm event

Barbara Galloway, from ERO Resources and Ken Kolm, from Hydrologic Systems Analysis (groundwater consultant), have reviewed the plan. The Town's consultants and the applicant's consultant have discussed the monitoring approach, and have agreed to the number of testing sites as well as the list of contaminants to be tested. Surface water would be monitored at the ponds in the gulch. Ground water would be monitored both at the rear of the development site and at the bottom of the hill, outside of the gulch. We believe that this is a comprehensive approach to testing both surface and ground water. No significant impact is expected to the quantity of ground water. Implementation of this water quality testing monitoring plan has been made a Condition of Approval.

**Transit (25/R):** A shuttle service is proposed to serve both Tracts E and C, which would provide access around town by an on-call shuttle service. The service would be available to any guest of the two lodges. The applicant has indicated at past meetings that the shuttle would also be made available to other residents of Shock Hill. (If the applicant or current residents of Shock Hill are interested in clarifying this arrangement, we suggest that they enter into a separate agreement on their own.)

The shuttle would provide a great guest benefit, and would also help by eliminating many private vehicle trips around town, and freeing up parking spaces downtown. In addition to reducing local traffic and parking congestion, the shuttle will allow guests to arrive in Breckenridge via a common carrier (CME, for example) and avoid renting a car. The hours of operation have not yet been established. Staff suggests that the shuttle operate at a minimum from 8:00 AM until 11:00 PM, seven days per week, which has been made a Condition of Approval.

During the review of this proposal in 2007, some Commissioners requested that the applicant operate a large van or bus, rather than a smaller SUV. There was also a request to consider use of a hybrid vehicle for the shuttle. The exact vehicle has not been identified, but the applicant has indicated that a hybrid SUV

would likely be used. Staff has done some preliminary research on the fuel economy of hybrid SUVs rather than vans for the shuttle. Preliminarily, it appears that many hybrid SUVs obtain better fuel economy than standard 14 passenger vans.

Staff recommends positive four (+4) points for this project for the provision of a shuttle service. This is consistent with similar projects that have operated shuttle systems. A covenant guaranteeing operation of the shuttle service in perpetuity has been made a Condition of Approval.

**Amenities and Meeting Rooms (Policy 24/A & 24/R-Social Community):** All condo-hotels are required to provide a minimum of one square foot of meeting rooms or amenities for every 35 square feet of gross dwelling area. In addition, developments are encouraged to provide greater amounts of amenities and conference facilities. Specifically, the policy states *“The provision of meeting and conference facilities or recreation and leisure amenities, over and above that required in subsection A of this policy is strongly encouraged. (These facilities, when provided over and above that required in subsection A of this policy, shall not be assessed against the density and mass of a project when the facilities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities, and they do not equal more than 200 percent of the area required under subsection A of this policy.)”*

For this project, 2,287 square feet of amenities are required (plus another 2,287 are allowed). For Tract C, 1,954 square feet are required (plus an additional 1,954 square feet are allowed). This makes a minimum of 4,241 square feet of amenities for the two building combined (with a maximum allowed of 8,482 square feet). The applicant proposes to provide most of the amenities on Tract E (including some of the required amenities for Tract C). Tract C would have a lodge room and café, plus outdoor spas and a BBQ terrace. This would allow for more amenities within Tract E, which would otherwise not be allowed without counting toward the allowed density. Following are the proposed amenities in Tract E:

Conference room (adjacent to administration):	326 square feet
Ski Valet/Boot Storage (Level P1):	804 square feet
Spa/Fitness (not including 1,436 square feet commercial):	3,506 square feet
Lodge Room (not including 152 square feet bar commercial):	2,802 square feet
<u>Business Center (adjacent to Lobby):</u>	<u>210 square feet</u>
Total:	7,648 square feet

A covenant will need to be recorded memorializing the allocation of a portion of the mass bonus for Tract C to Tract E and guaranteeing that these facilities remain as amenities in perpetuity. This has been made a Condition of Approval. A similar arrangement was approved for the 801 Building at Peak 8.

**Signage:** The only signage that will be allowed at the site will be the standard building identification sign, which will require a separate permit. Staff notes that a large portion of the spa proposed is the commercial aspect of the spa. Per the earlier Development Agreement, outside signage and off-site advertising is prohibited. This has been made a Condition of Approval.

**Energy Conservation (Policy 33/R):** This policy encourages the use of renewable sources of energy, and systems that will help to conserve energy. The proposed project includes significant areas of heated driveways and walkways to melt snow, which use significant amounts of energy. As a result, staff recommends negative three points (-3).

**Special Areas (Policy 37/R):**



D. *Cucumber Gulch Overlay Protection District: Within the Cucumber Gulch overlay protection district and the protective management area, as defined in the land use guidelines:*

2 x (0/+2) *Development should be designed to maximize the distance between disturbances and the PMA. Buildings and landscaping should be concentrated to maximize areas left undisturbed as potential habitat.*

1 x (0/-2) *Impervious surfaces should be minimized. (Ord. 9, Series 2000)*

During the meeting on November 6, 2007, the Commission suggested that negative points might be warranted under this policy. Negative points were suggested since about 46% of the site was proposed for either building coverage or as impervious surface. Since the original permit for the Shock Hill Lodge was submitted while the Shock Hill Master Plan was still vested, the project was originally not subject to the Cucumber Gulch Overlay Protection District. However, the vesting of the Shock Hill Master Plan expired in 2008, which makes this ordinance now applicable to this development. Following is some language from the Cucumber Gulch Overlay Protection District ordinance:

*Section 9. Intent. This Ordinance is not intended, nor shall it be construed, to impair any vested property right, or any currently enforceable contractual right creating similar legal protection, if any, which exist at the time of the adoption of this Ordinance. Notwithstanding the provisions of Section 10, this Ordinance shall not apply to the owner of any lot or tract or similar subdivided parcel of land in a subdivision which is platted within any current or extended vested property right period, and such owner may construct improvements upon such lot or tract or similar subdivided parcel of land in accordance with (and subject to) the provisions of the Breckenridge Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code), without being subject to these Regulations.*

A Development Agreement with Shock Hill Development LLC from February 15, 2000, also states:

*“F. By this Agreement, the Town and Master Developer intend to enter into such agreement for the purpose of extending the vested property rights period for the Master Plan to December 31, 2008, subject to the terms and conditions hereafter set forth.”*

*“5. During the vested property rights period, as extended by this Agreement, none of the provisions of the Cucumber Gulch Overlay Protection District ordinance, if and when adopted, and is it may be amended from time to time, shall apply in any way to the Subdivision or any permits or approvals relating to the development of the Subdivision.”*

The Cucumber Gulch Overlay Protection District was the same ordinance that adopted paragraph D of Policy 37/R, above. Since the Shock Hill Master Plan and Subdivision are no longer vested, the ordinance does now apply to this application, and negative points can be assigned under this policy. Staff recommend negative two points (-2) under policy 37/R.

**Exterior Lighting (Policy 46/A):** A lighting plan and photometric plan have been submitted. All proposed exterior lighting meets the Town’s exterior lighting policy. All exterior fixtures are fully shielded, and the photometric plan meets the requirements for this lighting zone.

**Gondola:** The applicant worked closely with the former Lift Director at the Breckenridge Ski Resort concerning pedestrian crossings beneath the gondola, pedestrian pathways to the gondola and adjacent landscaping. A small split rail fence is also proposed, to keep pedestrians from walking under portions of the gondola with low clearance. The Lift Director approved each of these design elements. Staff has no concerns.

**Fencing (Policy 47/A):** Fencing is proposed in three areas of the site. These include near the gondola (for pedestrian safety), along the rear of the site (to control access to Cucumber Gulch), and at the rear of the building (to prevent unauthorized access to the pool and spas). Policy 47 prohibits most types of fencing in town. However, we believe that the proposed fences are exempt from the proposed policy, since they are required for public safety and for access control to the gulch. Policy 47, Section C exempts “*Fences around ball fields, tennis courts, swimming pools and other outdoor recreation areas;*” This exemption is intended to improve public safety. Staff believes that the fence near the gondola serves the same result.

The fence near the gondola would be a split rail fence (detail 2, Sheet L7-05), along with landscaping. The fence along access routes to the gulch would also be split rail, in locations determined by the Open Space and Trails division. The fence at the rear of the building to prevent unauthorized use of the spas and pool is required for liability reasons, and would not be visible from the public right-of-way. This fence is proposed of black welded steel (Detail 4, Sheet L7-06).

The fence policy requires fences around swimming pools and other outdoor recreation areas to be black or dark green chainlink. Staff believes that chainlink fencing in this area is not appropriate. Rather, a black fence with steel ¾” vertical rails is proposed. Staff finds this fence design more appropriate for this location, and more attractive. Furthermore, the fence proposed at the gondola to prevent pedestrians is made from split rail wood, as opposed to chain link as required. For this reason, staff supports a variance to this policy.

**Variance:** Section 9-1-11 of the Development Code allows for variances to any absolute policy. The specific variance criteria that must be met before the Commission can grant a variance include:

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.*

The special circumstances related to this project are the fact that thousands of people will ride by this property on the gondola, or walk by the property on public trails. The designs of the fences as previously approved were deemed appropriate by the Planning Commission for this use, and use of chain link fencing, which is otherwise required, in this location is not appropriate for the community. Furthermore, the property is immediately adjacent to Cucumber Gulch, and a split rail fence near the gondola would be more wildlife friendly.

2. *That such special circumstances were not created by the applicant.*

The installation of the gondola and the location of Cucumber Gulch were not created by the applicant. Additionally, the fence design was previously approved, yet this fence policy was adopted subsequent to the original approval of this project. Furthermore, the fence near the gondola was

requested by the Breckenridge Ski Resort Lift Manager, for public safety reasons, and this fencing is compatible with the fencing proposed to control access to Cucumber Gulch.

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.*

The purpose of this chapter is to ensure the designs of fences are compatible with the goals of the community. Another purpose is to discourage fences, but to allow fences in areas where needed for public safety. Furthermore, one of the purposes of this chapter is to encourage fences to be friendly to wildlife. There is wildlife known in this area, and the fence at the gondola will accommodate wildlife. The proposed fences should improve public safety around the gondola and outdoor swimming pool and spas.

4. *The variance applied for does not depart from the provisions of this chapter any more than is required. (Ord. 19, Series 1988)*

These variances do not detract from the provisions of this chapter more than required. The split rail fence encloses a relatively small area, and is just enough to prevent pedestrians from walking too close to the gondola cabins. The other fence is not taller than necessary, and is black to blend into the background while protecting the public.

Staff supports the proposed variances to the fence policy.

**Construction Management Plan:** The applicant has submitted a construction management plan. The plan addresses such issues as noise mitigation, construction staging, storage of materials, air quality and dust control, traffic, construction parking, and safety of passengers. Two points of the plan that will need to be revised include the hours of operation, and traffic access. The hours are listed as 6:00 AM – 6:00 PM during mid-April to the end of May. However, the Town noise ordinance prohibits construction noise before 7:00 AM on any day. Also, the section on Street Usage will be required to note that access will not be allowed from the 50' Emergency Access, Utility and Drainage Easement at the end of the Shock Hill Drive cul-de-sac. These changes have been added as Conditions of Approval.

**Point Analysis:** Staff finds that the proposed project meets all Absolute polices of the Development Code and the Shock Hill Master Plan, as amended, with the exception of Policy 47/A-Fences, for which a variance is recommended. Staff recommends positive points under policy 5/R-Architectural Compatibility (+3 points), 6/R-Building Height (+2 points), 7/R-Site and Environmental Design (+2 points), 15/R-Refuse (+1 point), 16/R-Internal Circulation (+3 points), 18/R-Parking (+4 points), 22/R-Landscaping (+4 points), and 25/R-Transit (+4 points). We recommend negative points under policy 6/R-Building Height (-10 points), Policy 33/R-Energy Conservation (-3 points), and policy 37/R (-2 points). This would result in a passing score of positive eleven (+8) points.

### **Staff Recommendation**

Staff has been working very closely with the applicant on this project. The project went through a significant analysis by the staff, Commission and Council throughout 2007 and 2008. More recently, we have been in very close contact with the applicant. We feel that this project is still appropriate for the

community, and this design is optimal for this site. We believe that the proposed plan implements all of the requirements of the Development Agreement, and adequately mitigates possible impacts.

The use of natural exterior materials, excellent architecture, and a strong landscaping plan will help to make this a premiere development in Breckenridge. We appreciate the applicant's response to staff input and the changes that have been made. We appreciate the attention to detail, and the sensitivity to Cucumber Gulch, including the water quality monitoring.

Staff recommends approval of Shock Hill Lodge and Spa, Tract E and the Shock Hill Master Plan Modification (Class B, Combined Hearing, PC#2010068), with the attached Point Analysis and Findings and Conditions, including the variance to Policy 47/A-Fences.

We note that this application has been advertised as a combined hearing (preliminary and final hearing together), as we believe that the project has been thoroughly scrutinized. However, we understand that this is a large project, and that we have several new Commissioners who did not have the benefit of being involved when this project was initially approved. If additional information is needed, or if the Commission is not comfortable approving this project after one hearing, staff suggests that you consider this a preliminary hearing, continue the hearing, and direct staff to the additional information be needed for approval.

<b>Final Hearing Impact Analysis</b>				
Project:	Shock Hill Lodge, Tract E	<b>Positive</b>	<b>Points</b>	<b>+23</b>
PC#	2010068			
Date:	11/30/2010	<b>Negative</b>	<b>Points</b>	<b>- 15</b>
Staff:	Chris Neubecker			
		<b>Total</b>	<b>Allocation:</b>	<b>+8</b>
Items left blank are either not applicable or have no comment				
<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		
2/R	Land Use Guidelines - Uses	4x(-3/+2)	0	Condo-hotel use proposed. Multi-family or lodge use recommended per Shock Hill Master Plan.
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)	0	
2/R	Land Use Guidelines - Nuisances	3x(-2/0)	0	
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)	0	Master Plan modification proposed, to include density transfer from Upper Blue Transferable Development Rights program. Project will be within allowed density after density is transferred.
4/R	Mass	5x (-2>-20)	0	Note that a portion of the mass bonus for amenities was transferred from Tract C to Tract E. The two sites, when viewed together, do not exceed the allowed mass for the two tracts.
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies	N/A	
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)	+3	High quality design, use of all natural materials, all natural stone, varied roof forms, large roof overhangs, many changes to wall planes and high quality materials.
5/R	Architectural Compatibility / Conservation District	5x(-5/0)	N/A	
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)	N/A	
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)	N/A	
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)	0	
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)	N/A	
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)	N/A	
6/R	Building Height Outside H.D. / Stories	(-5>-20)	- 10	Project is one story over recommended height, 38' tall at highest point.
6/R	Density in roof structure	1x(+1/-1)	+1	Good job of incorporating density into the roof with multiple dormer windows.
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)	+1	Good job of varying the roof form, stepping roof with terrain, and avoiding long, unbroken ridge lines.
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)	N/A	
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)	N/A	
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)	N/A	
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)	0	Building blends well into site and follows natural contours.
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)	0	Minimal regrading proposed.
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)	0	Good buffering maintained and added with landscaping.
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)	+2	Good use of retaining walls to minimize cut regrading, and to preserve trees. Terraced walls with landscaping proposed. All walls are faced with natural stone.
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)	0	
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)	0	
7/R	Site and Environmental Design / Wetlands	2X(0/+2)	0	
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)	0	
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)	0	
9/R	Placement of Structures - Adverse Effects	3x(-2/0)	0	
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)	0	
9/R	Placement of Structures - Setbacks	3x(0/-3)	0	
12/A	Signs	Complies		All signs will require separate sign permit. No commercial signage allowed outside or off site advertising allowed.
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)	0	All driveways and most sidewalks are heated.
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)	0	
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)	+1	Dumpster is incorporated into building with separate service access.

15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)	N/A	
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)	N/A	
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)	+3	Good pedestrian circulation and good separation of systems. Good access to gondola.
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)	N/A	
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)	+4	All required parking is below building, out of public view.
18/R	Parking - Joint Parking Facilities	1x(+1)	0	
18/R	Parking - Common Driveways	1x(+1)	0	
18/R	Parking - Downtown Service Area	2x(-2/+2)	N/A	
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)	0	Project include swimming pool, fitness center, four hot tubs and a commercial spa.
21/R	Open Space - Private Open Space	3x(-2/+2)	0	About 50% is undeveloped or open space.
21/R	Open Space - Public Open Space	3x(0/+2)	0	Tract E-2 to be donated to the Town of Breckenridge, per Development Agreement.
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	4x(-2/+2)	+4	Very good landscaping plan with very large aspen (4" caliper minimum) and spruce (8'-24' tall). All landscaping is on irrigation system.
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)	0	Applicant will provide a minimum of 4.51% of density as off-site employee housing.
24/R	Social Community - Community Need	3x(0/+2)	0	
24/R	Social Community - Social Services	4x(-2/+2)	0	
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)	0	
24/R	Social Community - Historic Preservation	3x(0/+5)	N/A	
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15	N/A	
25/R	Transit	4x(-2/+2)	+4	Guest shuttle with covenant will be operated.
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)	0	
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)	0	
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	0	
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)	0	
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)	0	Water quality testing and monitoring program proposed. Good stormwater management plan proposed.
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)	0	
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)	-3	Most driveways, sidewalks and concrete terraces are heated.
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)	0	
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)	N/A	
37/R	Individual Sites	3x(-2/+2)	N/A	
37/R	Blue River	2x(0/+2)	N/A	
37R	Cucumber Gulch/Setbacks	2x(0/+2)	0	Buildings are setback from Cucumber Gulch, per Development Agreement site plan.
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)	-2	46% of site is covered by buildings or impervious surfaces.
38/A	<b>Home Occupation</b>	Complies	N/A	
39/A	<b>Master Plan</b>	Complies		Shock Hill Master Plan will be modified with this application. Density will be transferred to this site from Upper Blue Transferable Development Rights program.
40/A	<b>Chalet House</b>	Complies	N/A	
41/A	<b>Satellite Earth Station Antennas</b>	Complies	N/A	
42/A	<b>Exterior Loudspeakers</b>	Complies		No exterior loudspeakers will be allowed, per Development Agreement.
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)	0	No public art proposed.
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		All exterior fixtures will be fully shielded.
47/A	<b>Fences, Gates and Gateway Entry Monuments</b>	VARIANCE		Variance granted for fence design.
48/A	<b>Voluntary Defensible Space</b>	Complies		

**TOWN OF BRECKENRIDGE**

**Shock Hill Lodge and Spa, Tract E and Shock Hill Master Plan Modification  
Tract E, Shock Hill Subdivision  
260 Shock Hill Drive  
PERMIT #2010068 (A Modification to Original Permit PC#2007108)**

**FINDINGS**

1. The proposed project is in accord with Chapter 1 of Title 9 of the Breckenridge Town Code (“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 November 30, 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 December 7, 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, and if this application has been determined by the Director to be subject to the requirements of Article 65.5 of Title 24, C.R.S., 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., and no mineral estate owner has entered an appearance in the proceeding or filed an objection to the application as provided in Article 65.5 of Title 24, C.R.S., to the applicant or the Town.
7. **Per this Amendment to the Shock Hill Master Plan, the total allowed mass for Tracts C and E combined is 195,091 square feet as shown in the table below:**

	<b>Building E</b>		<b>Building C</b>	
Residential SFEs	66.70 SFEs	80,040 SF	57.00 SFEs	68,400 SF
Mass Bonus		20,010 SF		17,100 SF
<b>Sub-total Mass</b>		<b>100,050 SF</b>		<b>85,500 SF</b>
Commercial	5.30 SFEs	5,300 SF		
1/35 amenity (included in sub-total mass)		2,287 SF		1,954 SF
100% mass bonus		2,287 SF		1,954 SF
<b>Sub Total Mass Allowed</b>		<b>107,637 SF</b>		<b>87,454 SF</b>
<b>Total Mass Allowed, E and C</b>		<b>195,091 SF</b>		
Mass Proposed Tract E		110,664 SF		
Mass Proposed Tract C		84,367 SF		
Total Mass Used (includes gondola mid-station)		195,031 SF		
<b>Mass Remaining</b>		<b>60 SF</b>		

8. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.
9. The total mass for all development located in on Tracts C and E combined, including the Shock Hill gondola station, shall not exceed 195,091 square feet as listed above. The Planning Commission hereby finds that it is more practical for a large portion of the amenities for both Tract C and Tract E to be built on Tract E, and the Commission hereby authorizes the transfer of 3,074 square feet out of the allowed 3,908 square feet (amenity bonus included) of Meeting/Recreation/Leisure Amenity Area from Tract C to Tract E.
10. The property is located on Tract E, Shock Hill Subdivision. As such, the property is also within the Cucumber Gulch Overlay Protection District (but not the Cucumber Gulch Preventative Management Area), which set forth certain design criteria intended to protect the unique biological and environmental character of the Cucumber Gulch Preserve. When this project was first reviewed and approved (on January 22, 2008), the property was not subject to the Cucumber Gulch Overlay Protection District Ordinance, per a Development Agreement with Shock Hill Development, LLC, (reception #617308), approved February 15, 2000, since the Shock Hill Master Plan was vested until December 31, 2008.
11. An absolute policy is defined in 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.”
12. The Applicant is seeking a variance to Development Code Policy 47 (Absolute) (Fences, Privacy Gates and Gateway Entrance Monuments) of Section 9-1-19 of the Development Code (“Policy 47 (Absolute)”), for the construction of fences which do not meet the fence design criteria.
13. This project was previously approved on January 22, 2008 with the same fence designs as currently proposed. However, on March 25, 2008, the Town Council adopted Policy 47 (Absolute) after this project was approved.
14. Due to the unique location of this property adjacent to Cucumber Gulch Preserve, and adjacent to the BreckConnect Gondola (which runs through this property), and the volumes of people currently and in the future expected to pass by this property, and the wildlife expected and known to exist in this area, a variance from the design criteria of Policy 47 (Absolute) is warranted.
15. Policy 47 (Absolute) provides, in pertinent part, as follows:
  5. *Fences around ball fields, tennis courts, swimming pools or other outdoor recreation areas shall use black or dark green vinyl coated chain link fencing. Uncoated or galvanized chain link fencing is prohibited. This standard applies to fencing of both public and private recreation areas. Wind privacy screens may be incorporated into the fence.*
16. The Applicant seeks a variance from Policy 47 (Absolute) because the fence designs as proposed will be more compatible with a residential neighborhood, will blend in better with the natural surroundings, will provide better security and public safety, and will be more wildlife friendly than the fence designs otherwise required by Policy 47.
17. 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.*

- 18. 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.
- 19. 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."
- 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 a design that is less compatible with the residential character of the neighborhood, is less attractive, and is a greater burden upon wildlife known to exist in this area. Under the circumstances presented in this Application, the denial of the Applicant's variance request would result in undue hardship.

- B. The failure to implement that portion of the requirements of Policy 47 (Absolute) is of insignificant proportions.

Reason/Factual Basis for Finding: Compared to be substantial safety, wildlife and aesthetic benefits to be derived by the public from the fence design as proposed, granting the variance and allowing a fence design with split rail wood at the gondola and vertical 3/4" metal square tube railings at the swimming pool and spa area is comparatively insignificant.

- C. The failure to implement the requirements of Policy 47 (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 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, Shock Hill Subdivision or the Land Use District in which the Applicant's 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 development proposed, while safely protecting the general public from the dangers of the adjacent gondola cabins and the Applicant's private swimming pool and spas, without the use of properly designed fences.

- 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 gondola was not created by the Applicant, and the presence of the Cucumber Gulch Preserve adjacent to the property was not created by the Applicant.

- 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 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: The purposes of the Development Code are to protect property, protect public safety and protect the unique aesthetic values of the Town, and the proposed fence designs will do this to a greater extent than the designs otherwise required by Policy 47 (Absolute).

- 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: The fences as proposed are the least intrusive and most effective designs for this unique situation and location.

26. Accordingly, the Applicant's request for a variance from the requirements of Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments to allow the use of split rail fences at the gondola, and vertical ¾" metal square tube railings at the swimming pool and spa, 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 December 14, 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. "Substantial Construction" means the completion of the construction of footings, foundation and the installation of water and sewer service lines for a project. The completion of the foundation must be certified by the Building Official; the installation of the water service lines must be approved by the Town; and the installation of the sewer service lines must be approved by the Sanitation District. If the development permit for a project provides that the project will be constructed in phases, substantial construction must be achieved for each phase within the time period provided in the development permit.

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. 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. 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.
9. 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 snow plow equipment from damaging the new driveway pavement.
10. Applicant shall field locate utility service lines to avoid existing trees.
11. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
12. The building and project identification signs (Entrance Monument Signs) shown on Sheet GR 1.01 and Sheet GR 2.01 are not authorized by this permit. A separate sign permit is required prior to installing any signs on the property, other than signage that is exempt from the Breckenridge Sign Ordinance.
13. No exterior speakers or other devices for the amplification of sound are permitted on the outside of the building or on the grounds, with the exception of such devices required for emergency use.
14. Applicant shall implement all appropriate provisions (as determined by the Town) of the Town's "Cucumber Gulch Overlay Protection District Ordinance" (Ordinance 9, Series 2000).
15. The swimming pool and spas/hot tubs shall be designed so that when these pools/spas/hot tubs are drained, water flows into the sanitary sewer system. At no time will water from these sources be allowed to drain into the stormwater system, nor toward Cucumber Gulch.
16. An improvement location certificate of the height of the top of the foundation wall, the horizontal location of the foundation wall, and the height of the building's ridge must be submitted to and approved by the Town

during the various phases of construction. The improvement location certificate must be stamped and signed by a Colorado registered surveyor, and must be provided to the Town of Breckenridge a minimum of twenty-four (24) hours prior to the requested inspection.

17. Applicant shall reimburse the Town of Breckenridge for all extraordinary review fees and other expenses related to review of the approved or proposed development, including but not limited to environmental consultants and Town Attorney fees.

#### PRIOR TO ISSUANCE OF BUILDING PERMIT

18. Applicant shall submit proof of ownership of the project site.
19. Applicant shall submit to and obtain approval from the Town of Breckenridge of a Class B Subdivision permit dividing Tract E, Shock Hill, into two parcels, Tracts E-1 and E-2. Tract E-2, which will be approximately 2.25 acres and is which will be generally downhill and to the west of Tract E-1, as shown on the Development Agreement dated March 13, 2007 (Reception #851343), shall be dedicated to the Town of Breckenridge by general warranty deed in a form and substance acceptable to the Town Attorney. The conveyed property shall be subject to no liens or encumbrances, except the lien of the general property taxes for the year of conveyance.
20. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
21. 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.
22. 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.
23. 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.
24. 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. Construction access shall not be taken through the 50' Emergency Access, Utility and Drainage Easement at the end of the Shock Hill Drive cul-de-sac.
25. 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.
26. 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, prohibiting the placement of exterior signage or the use of off-site advertising as they relate to the on-site commercial uses, including but not limited to the spa, bar and café.

27. 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 maintenance of the snow melt system for the property in perpetuity.
28. 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 all pets to be leashed or contained within enclosures when on the property, and at all times for pets to avoid disturbance of and interference with wildlife within the Cucumber Gulch area.
29. Applicant shall record with the Summit County Clerk and Recorder, the Town's standard Meeting /Amenity/Conference Room Covenant restricting 9,116 square feet of amenities and conference space in Tracts C and E combined, in perpetuity of the project. The covenant shall indicate that the additional amenity space at Tract E is provided in lieu of the required amenities at Tract C. The covenant shall require that the amenities be owned at all times as common property by an association, and shall not be allowed to be sold or owned by a private individual or entity.
30. 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 maintenance of the on-site water quality features for the property (including, but not limited to detention and retention ponds, bioswales, storm water pipes, water quality vaults, etc.) in perpetuity. The covenant shall authorize the Town of Breckenridge to inspect and, if necessary, perform maintenance on these water quality features, and to bill the owner or homeowners association if the Town needs to perform maintenance.
31. Applicant shall revise the Tract E Stormwater Management Plan (Revision date November 26, 2007) to indicate that chain link fencing will be to the outside of the silt fence and hay bales. Applicant shall install construction fencing and erosion control measures according to the Tract E Stormwater Management Plan (Revision date November 26, 2007) and Stormwater Management Details (Revision date November 26, 2007), except as herein revised, along with the Preliminary Construction Activities Stormwater Management Plan for Shock Hill, Tracts C & E, (Revision date December 17, 2007) in a manner acceptable to the Town Engineer. An on site inspection shall be conducted and installation of erosion control measures shall be approved by the Town Engineer prior to start of construction, including prior to tree removal.
32. 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.
33. Applicant shall submit a 24"x36" mylar copy of a revised Shock Hill Master 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. The Master Plan shall reflect the transfer of development rights to the site and the new density on each of Tracts C and E, Shock Hill Subdivision.
34. Prior to recording the amendment to the Shock Hill Master Plan, or a notice of approval of a master plan amendment, Applicant shall pay for and obtain a certificate from the Upper Blue Basin Transferable Development Rights Program for six (6) Single Family Equivalents (SFEs) of density to be transferred to Tract E. A copy of the certificate shall be provided to the Town of Breckenridge.
35. 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. All exterior lighting shall comply with Chapter 12 of Title 9 of the Breckenridge Town Code.

36. The snow melt system for the property shall be designed and installed so that melted snow is captured by a grate or is otherwise directed away from the public right-of-way. A detail for the design of this feature must be submitted to and approved by the Town Engineer, prior to issuance of a building permit.
37. Applicant shall implement the final water-quality monitoring plan, addressing surface and ground water. The plan shall indicate the final number and location of testing sites, testing method and frequency, and constituents to be tested. The plan shall be substantially similar to the "Shock Hill Tract C and E, Water Quality Baseline Testing Plan", submitted by Peggy Bailey of Tetra Tech, dated December 14, 2007. The final plan shall be reviewed and approved by the Town of Breckenridge or their environmental consultants. The applicant and/or applicant's consultants shall meet with the Town and its consultants on site, prior to start of construction, to determine the appropriate water quality testing locations. Prior to issuance of a building permit, a minimum of six samples shall be collected from each collection site (a minimum of 7 days apart for each site) for both surface and ground water, in order to establish a baseline for water quality. The results of all water quality tests shall be provided to the Town of Breckenridge within three (3) business days form receipt of the results from the testing laboratory. All water quality testing shall be performed in an EPA approved facility. If the water quality testing results indicate that the project is having a negative impact on water quality, the applicant shall meet with the Town as soon as practicable to determine a proper mitigation approach. Water quality testing shall continue for one year after certificate of occupancy is issued.
38. Applicant shall revise "The Shock Hill Lodge & Spa Breckenridge, Colorado Construction Management Plan, 11/14/07, Section 3.0, to indicate that construction hours are limited to 7:00 AM to 7:00 PM, Monday through Saturday. No construction is authorized on any Sunday, or January 1<sup>st</sup>, December 25<sup>th</sup>, or the fourth Thursday of November, observed as Thanksgiving Day. Furthermore, Section 4.8 shall be revised to indicate that the "50' Emergency Access, Utility and Drainage Easement" at the end of Shock Hill Drive shall not be used for construction access, parking or materials storage.

#### PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

39. Applicant shall execute and record with the Summit County Clerk and Recorder the Town's standard employee housing covenant encumbering not less than 3,849 square feet of approved employee housing within the Upper Blue Basin. The Applicant's selection of the employee housing property is subject to Town approval. Applicant acknowledges that the Town's employee housing covenant requires that there be no liens or encumbrances against the employee housing property, except for the lien of the general property taxes for the year in which the covenant is recorded. If this permit requires construction of new employee housing, Applicant also acknowledges that failure to obtain a Certificate of Occupancy for such employee housing may delay the issuance of a Certificate of Occupancy for the development of the property that is the subject of this permit. Applicant is encouraged to satisfy the employee-housing requirement with as many employee-housing units as possible.
40. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, native seed and mulch.
41. Per the approved Development Agreement dated March 13, 2007 and recorded with the Summit County Clerk and Recorder at Reception #851343, prior to issuance of a Certificate of Occupancy, applicant shall consult with the Town of Breckenridge Open Space and Trails staff, to determine if a split rail fence is needed on the downhill side of the development. If required by the Town, applicant shall install a buck and rail fence (or other design approved by the Town), in the locations required by the Town, to guide people toward the proper access points to existing trails and to Cucumber Gulch. Applicant shall be required to install and pay all expenses for the design, installation and maintenance of said fence(s).
42. Per the approved Development Agreement dated March 13, 2007 and recorded with the Summit County Clerk and Recorder at Reception #851343, prior to issuance of a Certificate of Occupancy, applicant shall consult with the Town of Breckenridge Open Space and Trails staff on the design and content of signage, which shall be placed in locations most likely to be seen by people approaching the Town's Cucumber

Gulch property from Tract C and Tract E-1. The signs shall contain information on the ecological function of the Gulch, the presence of the Boreal Toad, the prohibition of dogs in or near the Gulch, and the importance of staying on established trails. Similar signage and information shall be placed within the lobby or main entrance of the building, and within each residential unit. Applicant shall be required to install and pay all expenses for the design, installation and maintenance of said sign(s).

43. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches from Tract E and Tract E-2. 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.
44. 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 operation in perpetuity of a guest shuttle service for the property. The guest shuttle shall operate at a minimum from 8:00 AM until 11:00 PM each day, seven days per week.
45. 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, authorizing owners and guests of the Shock Hill Lodge, Tract C, Shock Hill Subdivision, to use the amenities within Shock Hill Lodge, Tract E, Shock Hill Subdivision. These amenities include, but are not limited to: conference rooms, swimming pools and spa deck, hot tubs, spas, fitness center, lodge room, lounge, café and grill, café terrace, ski storage, skier lounge, concierge and luggage room, and fire pit. The covenant shall require that the amenities be owned at all times as common property by an association, and shall not be allowed to be sold or owned by a private individual or entity.
46. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment, meters and utility boxes on the building a flat, dark color or to match the building color.
47. Applicant shall screen all utilities.
48. 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.
49. 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.
50. 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. All work must be completed before the Town will release the Cash Deposit. Partial releases will not be allowed, and no interest will be paid by the Town on the Cash Deposit. **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.**

51. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
52. Applicant shall construct all proposed trails according to the Town of Breckenridge Trail Standards and Guidelines (dated June 12, 2007). All trails disturbed during construction of this project shall be repaired by the Applicant according to the Town of Breckenridge Trail Standards and Guidelines. Prior to any trail work, Applicant shall consult with the Town of Breckenridge Open Space and Trails staff.
53. 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)

# Shock Hill Tract C/E Class A Development Permit

Breckenridge, CO

**CFA**  
 CRAIG FRANK ARCHITECTS  
 1880 LINCOLN ST #400  
 DENVER, CO 80202  
 VOICE 303 477 3391  
 FAX 303 882 7123

**ALLEN SCRIPPS**  
 DESIGN BUILD, INC.  
 1915 AIRPORT RD SUITE 100  
 BRECKENRIDGE, CO 80424  
 VOICE 970 483 7882  
 FAX 970 483 7880

**DESIGNWORKSHOP**  
 Landscape Architecture - Land Planning  
 Urban Design - Tourism Planning  
 Interior - Urban - Interior - Site Use - Urban -  
 Small Fee - Planning - Law Firm

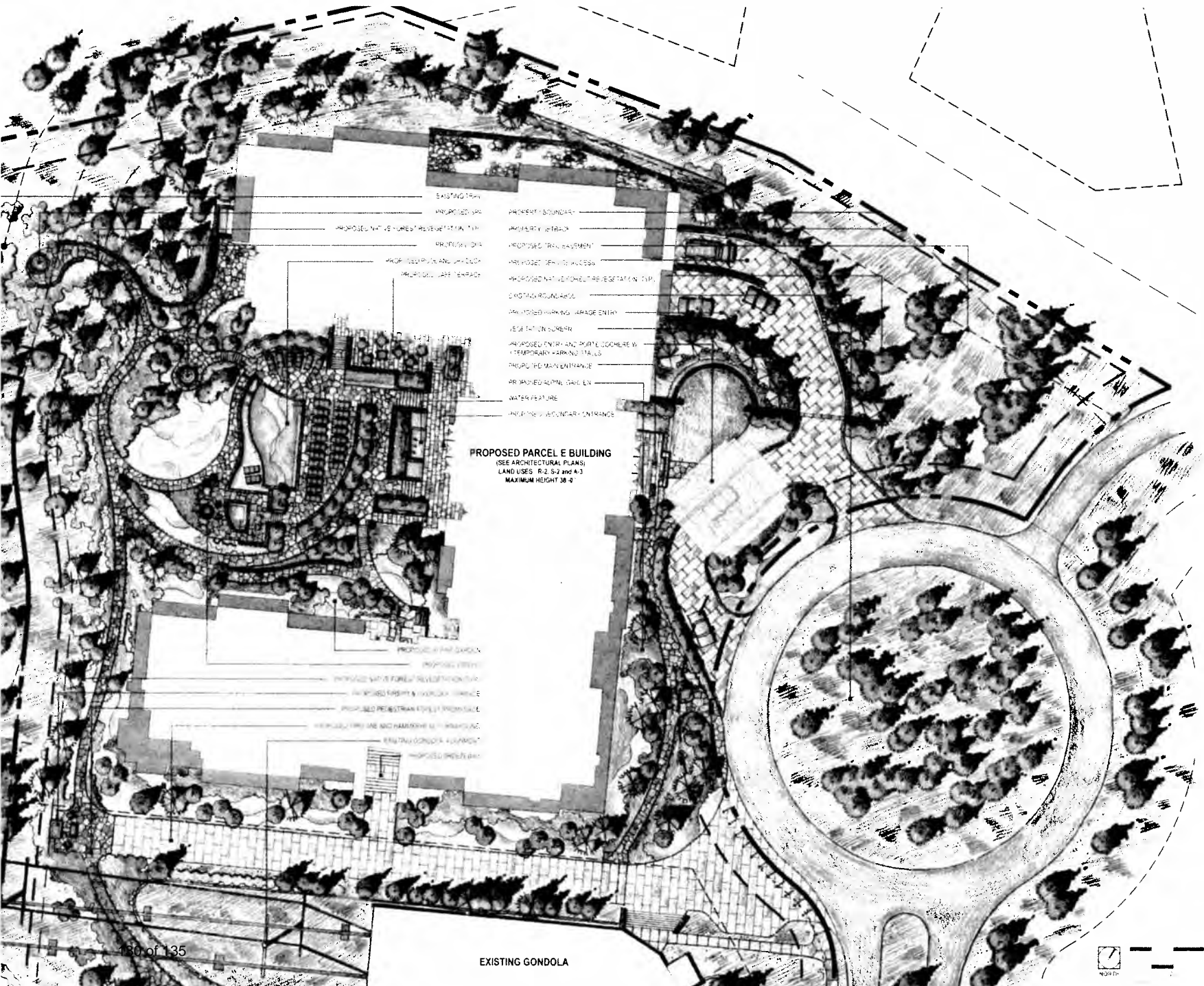
120 East Main Street  
 Aspen, Colorado 81611  
 (970) 925-8364  
 Facsimile (970) 926-1367

WWW.DSINWORKSHOP.COM

DATE: 10/15/03  
 SCALE: AS SHOWN

ISSUE	NO.	DATE	DESCRIPTION
	1		
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	3		
	4		
	5		
	6		
	7		
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	9		
	10		

DESIGNER: [Signature]  
 CHECKED: [Signature]  
 TRACT C/E  
 ILLUSTRATIVE SITE PLAN

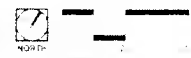


- EXISTING TREE
- PROPOSED SPA
- PROPOSED NATIVE FOREST REVEGETATION (TYP.)
- PROPOSED DRIVE
- PROPOSED PAVING AND SIDEWALK
- PROPOSED DRIVE TERRACE
- PROPERTY BOUNDARY
- PROPERTY SETBACK
- PROPOSED DRIVE EASEMENT
- PROPOSED DRIVE ACCESS
- PROPOSED NATIVE FOREST REVEGETATION (TYP.)
- EXISTING ROUNDABOUT
- PROPOSED PARKING / GARAGE ENTRY
- VEGETATION SCREEN
- PROPOSED ENTRY AND PORTICO COLLENE W/ TEMPORARY PARKING STALLS
- PROPOSED MAIN ENTRANCE
- PROPOSED SUPPL. DRIVE IN
- WATER FEATURE
- PROPOSED SIDE BOUNDARY ENTRANCE

**PROPOSED PARCEL E BUILDING**  
 (SEE ARCHITECTURAL PLANS)  
 LAND USES: R-2, S-2 AND A-3  
 MAXIMUM HEIGHT 38'-4"

- PROPOSED PARK GARAGE
- PROPOSED DRIVE
- PROPOSED NATIVE FOREST REVEGETATION (TYP.)
- PROPOSED ENTRY AND SIDEWALK TERRACE
- PROPOSED PEDESTRIAN SIDEWALK TERRACE
- PROPOSED DRIVE AND SIDEWALK TERRACE WITH SIDEWALK
- EXISTING GONDOLA / SIDEWALK
- PROPOSED DRIVE ENTRY

EXISTING GONDOLA



SHEET NUMBER **L1-03**

# Shock Hill Tract E Class A Development Permit BRECKENRIDGE, CO

**CFA** CRAINE FRANK ARCHITECTS  
1888 LINCOLN ST. #400  
DENVER, CO 80202  
VOICE: 303.477.2391  
FAX: 303.882.1138

**NILLEN GUERRA** ARCHITECTS  
DESIGN GROUP, P.C.  
1000 17TH ST. #100  
DENVER, CO 80202  
VOICE: 303.733.1100  
FAX: 303.733.1101

### LEGEND

- EXISTING CONTOUR LINE 10'
- EXISTING CONTOUR LINE 5'
- PROPOSED CONTOUR LINE 10'
- PROPOSED CONTOUR LINE 5'
- BOUNDARY LINE
- LOT LINE
- R.O.W.
- EASEMENT
- TRAIL
- MARKING ACTIVITY
- WETLANDS

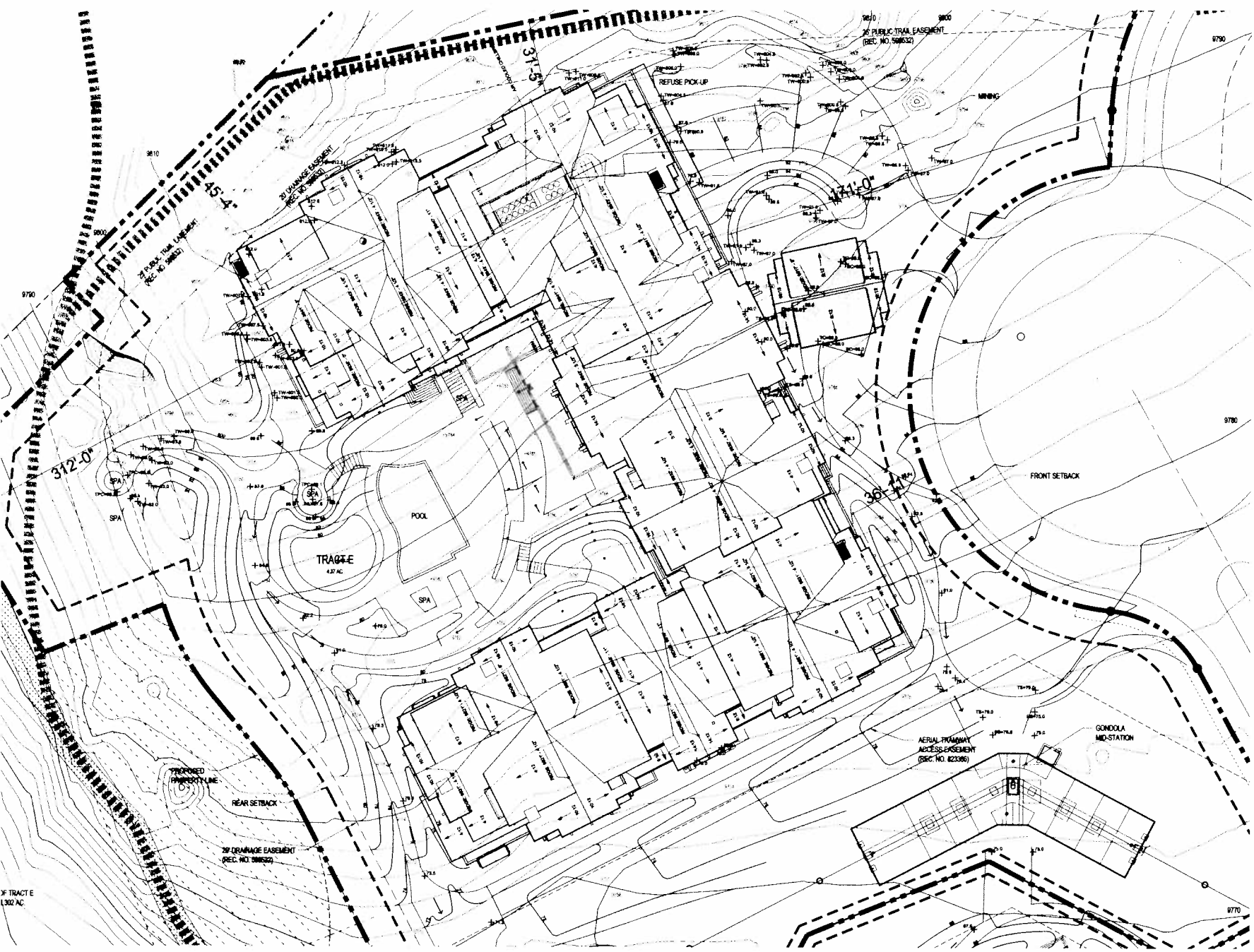
**NOTES:**  
1. SEE LANDSCAPE ARCHITECTURE DRAWINGS FOR PROPOSED LANDSCAPE SCOPE.  
2. SEE LANDSCAPE ARCHITECTURE DRAWINGS FOR TREE REMOVAL AND LANDSCAPE DRAWINGS FOR TREE PLANTING PLANS.

**TRACT E**  
LEVEL P2 - EL. 8766.0'  
LEVEL P1 - EL. 8765.0'  
LEVEL ONE - EL. 8765.0'  
LEVEL TWO - EL. 8867.0'  
LEVEL THREE - EL. 8969.0'  
LEVEL FOUR - EL. 8827.0'  
LEVEL FIVE - EL. 8807.0'

**ISSUE:**

No.	Issue	Date
1	Preliminary Dev. Permit Submittal	04.16.2007
2	Preliminary Dev. Permit Submittal	05.17.2007
3	Preliminary Dev. Permit Submittal	07.17.2007
4	Preliminary Dev. Permit Submittal	08.17.2007
5	Preliminary Dev. Permit Submittal	10.15.2007
6	Final Dev. Permit Submittal	11.28.2007
7		
8		

JOB NUMBER: 0407  
SHEET TITLE: ENLARGED ARCHITECTURAL SITE PLAN TRACT E  
SHEET NUMBER: **A1.02**

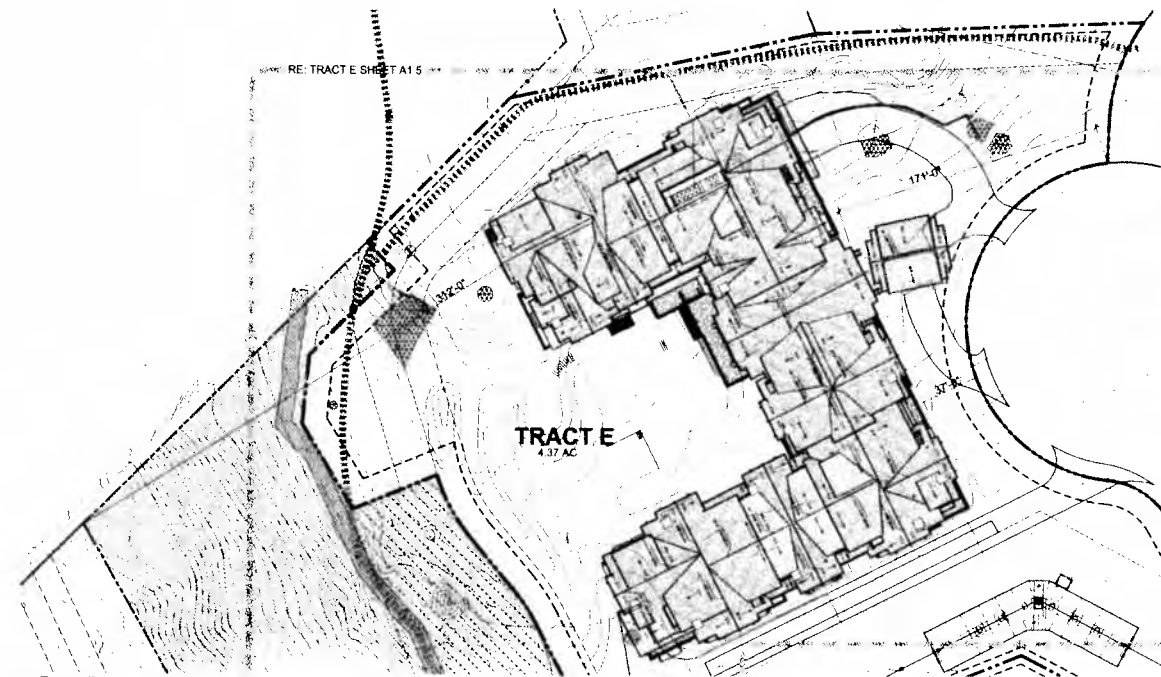


# Shock Hill Tract E Class A Development Permit BRECKENRIDGE, CO

**CFA** CRAINE FRANK ARCHITECTS  
1980 LINCOLN STREET, 6000  
DENVER, CO 80202  
VOICE: 303.427.3391  
FAX: 303.962.1133

**ALLEN GUERRA** ARCHITECTS  
1000 17TH AVENUE, SUITE 300  
DENVER, CO 80202  
VOICE: 303.733.1111  
FAX: 303.733.1111

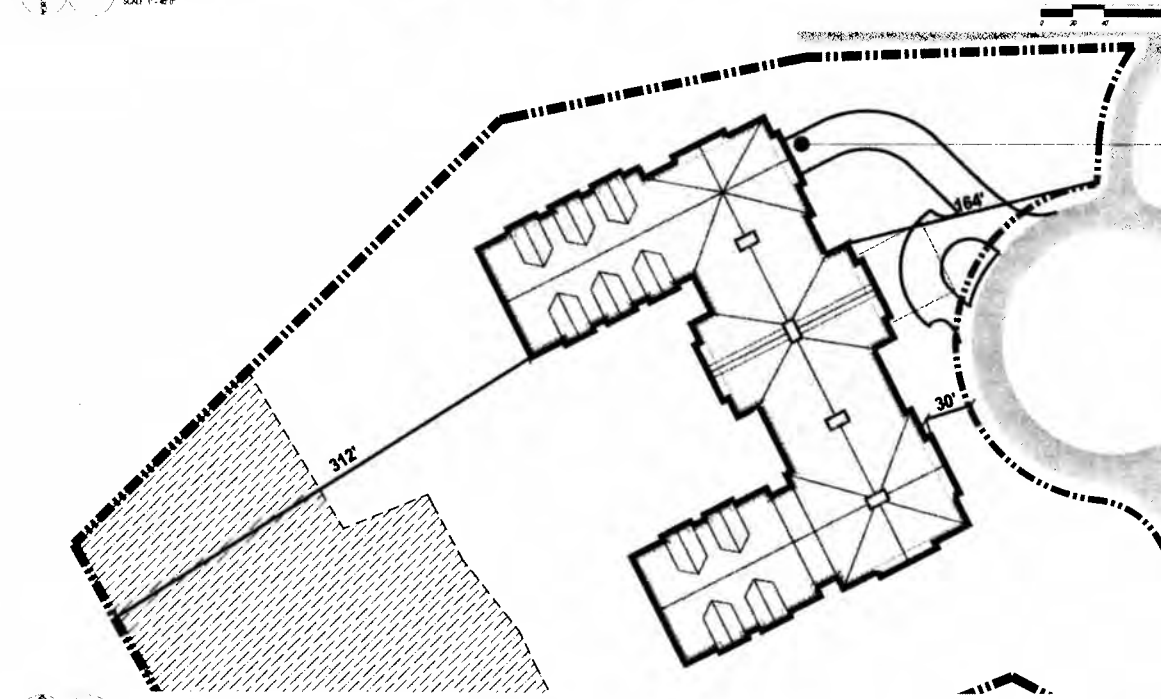
DEVELOPER  
ADCOFF LLC  
844 RUBY TRUST WAY  
CASTLE ROCK CO. 80108



2 ARCHITECTURAL SITE PLAN - NOVEMBER 26, 2007  
SCALE: 1" = 40'

LEGEND	
	EXISTING BUILDING
	PROPOSED BUILDING
	EXISTING DRIVEWAY
	PROPOSED DRIVEWAY
	EXISTING PARKING
	PROPOSED PARKING
	LOT LINE
	STREET
	UTILITY
	WETLAND

NOTE:  
1. SEE ATTACHMENTS FOR PARCELS 21 AND 22 OF 24.



1 ARCHITECTURAL SITE PLAN - MARCH 13, 2007 - DEVELOPMENT AGREEMENT  
SCALE: 1" = 40'

No.	Issue	Date
1	Preliminary Dev. Permit Submittal	04.16.2007
2	Preliminary Dev. Permit Submittal	05.11.2007
3	Preliminary Dev. Permit Submittal	07.17.2007
4	Preliminary Dev. Permit Submittal	09.17.2007
5	Preliminary Dev. Permit Submittal	10.15.2007
6	Final Dev. Permit Submittal	11.26.2007
7		

JOB NUMBER: 0401  
SHEET TITLE: COMPARISON ARCHITECTURAL SITE PLANS TRACT E

SHEET NUMBER: A1.11



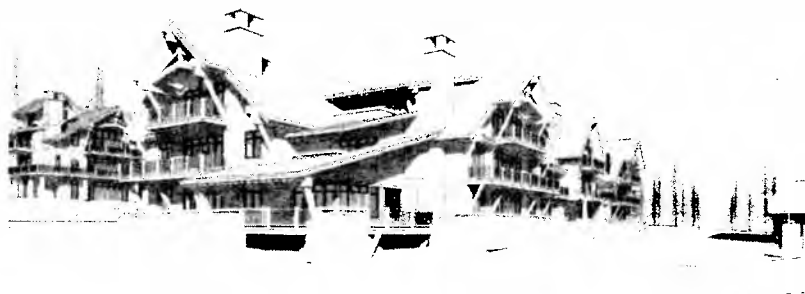


Shock Hill Tract E  
Class A  
Development  
Permit  
Breckenridge, CO

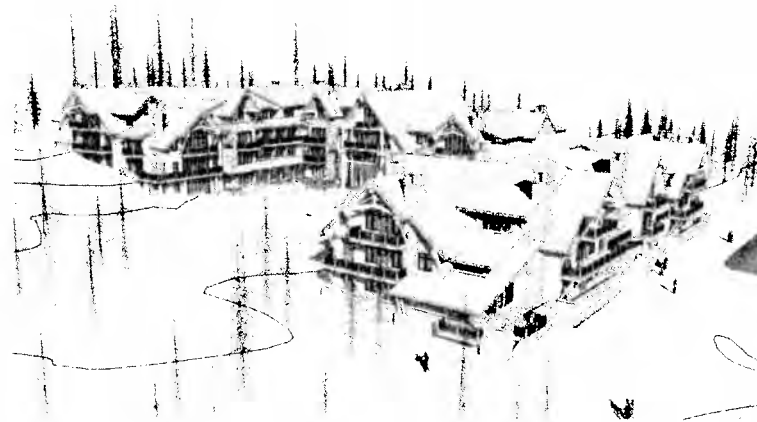
**CFA** CRAINE FRANK ARCHITECTS  
1220 LINCOLN ST #400  
DENVER, CO 80203  
VOICE: 303.477.3381  
FAX: 303.862.1133

**ALLEN SKERR** SKERR ARCHITECTS  
1400 S. WOODLAWN ST  
DENVER, CO 80210  
PHONE: 303.733.1100  
WWW.ALLEN-SKERR.COM

OWNER: AZCO II LLC  
644 Ruby Trust Way  
Castle Rock, CO 80108



PERSPECTIVE



3 SOUTHWEST PERSPECTIVE



PERSPECTIVE



4 SOUTHEAST PERSPECTIVE

ISSUE	No.	DATE	BY
REVISIONS	1	10/1/08	CF
REVISIONS	2	10/1/08	CF
REVISIONS	3	10/1/08	CF
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JOB NUMBER: 0411  
SHEET TITLE: Perspective Views

SHEET NUMBER: A4.11