

Town of Breckenridge
Planning Commission Agenda

Tuesday, January 18, 2011
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the January 18, 2011 Planning Commission Meeting; 7:00 p.m. Roll Call</i>	
	<i>Approval of Minutes January 4, 2011 Regular Meeting</i>	3
	<i>Approval of Agenda</i>	
7:05	<i>Consent Calendar</i>	
	1. Powder Ridge Exterior Remodel (JP) PC#2010071 550 South French Street	9
7:15	<i>Worksessions</i>	
	1. Policy 5 (Relative) Architectural Compatibility (CN)	20
	2. Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments (CN)	23
	3. Mobile Vendor Carts (CN & MGT)	24
9:15	<i>Town Council Report</i>	
9:25	<i>Other Matters</i>	
9:30	<i>Adjournment</i>	

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

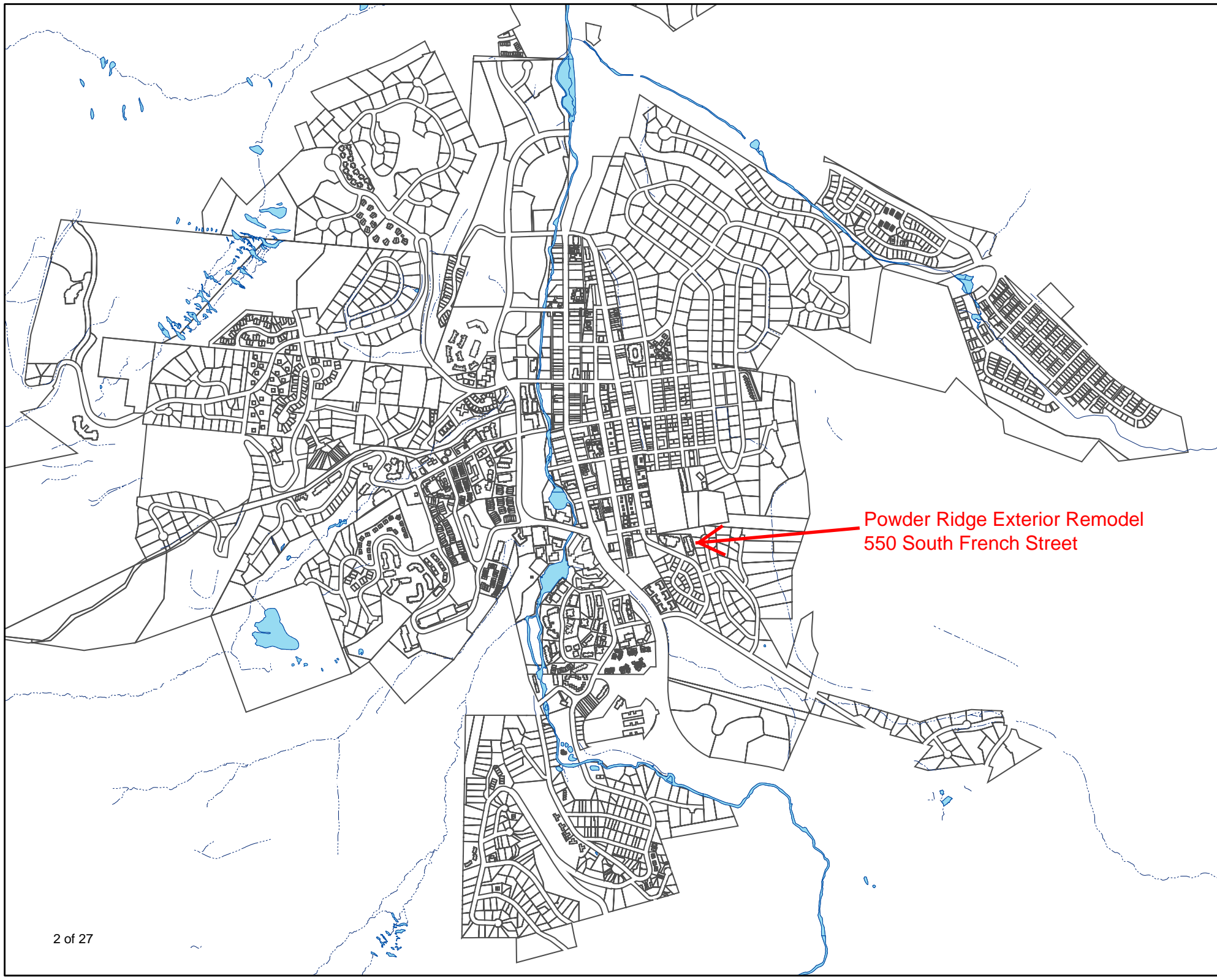
**The indicated times are intended only to be used as guides. The order of projects, as well as the length of the discussion for each project, is at the discretion of the Commission. We advise you to be present at the beginning of the meeting regardless of the estimated times.*



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Breckenridge South

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PLANNING COMMISSION MEETING

The meeting was called to order at 7:08 p.m.

ROLL CALL

Dan Schroder Jack Wolfe Trip Butler
Kate Christopher Gretchen Dudney Dave Pringle

Rodney Allen and Mark Burke were absent. Dan Schroder ran the meeting as the Vice-Chair.

APPROVAL OF MINUTES

Mr. Wolfe requested a change to the middle of page 6: “good ears” needs to be switched to “good errors and omissions insurance”.

With one change, the December 7, 2010, Planning Commission meeting minutes were approved unanimously (6-0).

APPROVAL OF AGENDA

Mr. Neubecker would like to discuss the Saving Places historic preservation conference taking place in Denver in February; he welcomed all Commissioners to attend. With this one change, the Agenda for the January 4, 2011 Planning Commission meeting was approved unanimously (6-0).

CONSENT CALENDAR:

1. Stella’s Hungry Horse Mobile Food Trailer (MGT) PC#2010070; 112 North Main Street

Ms. Tara Griffith, Applicant, explained exterior changes to be made upon the cart’s arrival from Mt. Vernon, NY.

Mr. Pringle made a motion to call up Stella’s Hungry Horse Mobile Food Trailer, PC#2010070, 112 North Main Street. Mr. Wolfe seconded, and the motion was approved unanimously (6-0). Mr. Pringle expressed concern about possible Code changes the Town is considering, and that the Commission needs to have parameters around what is acceptable in terms of what is allowed and not allowed.

Commissioner Questions / Comments:

Ms. Christopher: What about permanent structures around the cart? (Ms. Griffith: It would only have temporary fencing around the cart.) Outdoor seating is permanent? (Ms. Griffith: No, they all can be moved at night.) Concerned about when the cart disappears off season, what happens with the fences, seating etc. Will there be some sort of an outdoor fireplace and does it constitute “outdoor furniture”? (Mr. Thompson: No outdoor fireplace is proposed at this time. An outdoor fireplace would require a separate permit.)

Mr. Wolfe: Hours of operation? (Ms. Griffith: 11am-6pm Sunday to Thursday, 10am-2am Friday and Saturday.) Asked if the pedestrian path next Alpine Bank would be blocked by the cart. (Mr. Neubecker: The position of the cart will not interrupt the bank path, which is enclosed by a fence.) Does this have an impact on Alpine Bank? Are there required setbacks? (Mr. Thompson: Staff does not believe the food trailer will have a negative effect on Alpine Bank. They can go to zero lot line for commercial uses.)

Mr. Pringle: Inquired as to the exact nature of the trailer, graphics, etc. Sign Code issues? Separate permit may be needed. Asked about Condition #3: expiration date of 18 months. (Mr. Thompson: Staff agrees that the expiration date should be three years, as that is what was approved for Beaver Tails.)

Ms. Dudney: Had a question about fencing around the cart. (Mr. Thompson: Proposed a wooden fence with an ability to take down easily.) (Mr. Neubecker: Assured that all fencing would have to meet the Historic District Guidelines.) If staff reviews and approves the furniture, then it would be acceptable. Wanted to address the fence and make sure it is inserted as a condition of approval.

Mr. Schroder opened the hearing for public comment. There was no public comment and the hearing was closed. There were no further comments from the Commission.

Ms. Dudney made a motion to approve Stella’s Hungry Horse Mobile Food Trailer, PC#2010070, 112 North Main Street, with a change to Condition #3 reflecting an expiration date of January 11, 2014, and the addition of

Condition 18, requiring the fence and outdoor seating to be approved by staff. Mr. Pringle seconded, and the motion was carried unanimously (6-0).

WORKSESSIONS:

1. Transition Area Standards – River Park Character Area (MMO)

Mr. Mosher presented. This review of the River Park Corridor Transition Character Area involves a change/correction to the un-adopted map boundary shown in the handbook.

In the un-adopted “Handbook of Design Standards for the Transition Areas of the Conservation District”, the map shows the west-most boundary extending to the edge of Park Avenue, while the adopted “Handbook of Design Standards for the Historic and Conservation Districts” map shows the west-most boundary along the western edge of the Blue River. With the proposed changes to the River Park Corridor Transition Character Area, we are suggesting that the map edge be placed along the existing property edges abutting the east side of the river and the west river edge or property lines. This limitation to the boundary eliminated some Design Standards described in the Handbook that described the largely vacant, but recently master planned, land abutting Park Avenue.

The boundary in this review reflects the conditions and ownership of the river edge and the property lines. If and when any development along the river impacts the location of the river’s edge and/or property boundaries, the map depicting the River Park Corridor Transition Character Area may be altered to reflect these changes.

As the majority of this Character Area is owned by the Town, any future development will likely be park/recreational use. However, there are two existing buildings within the Character Area, the Schoonover (Town owned) and the Bly Building (Privately owned). These are the buildings flanking Ski Hill Road and the Blue River. Any redevelopment of these properties would be subject to these standards. In addition, there may be some development rights in a few of the parking lots, all owned by the Town, flanking the river. These design standards would guide development of both the private and public holdings along the river.

Besides any general comments, Staff would like the Commission to specifically comment on Policy 296, “Protect and enhance wetlands”. We are suggesting that this section be eliminated since the protection and enhancement of wetlands is also addressed in the Development Code and the Engineering Standards. Staff welcomed Commission feedback.

Policy 5 talks about changes in architecture from one parcel to another, to avoid excessive dissimilarity.

Commissioner Questions / Comments:

Ms. Christopher: Support staff’s suggestion for remove of Design Standard 296.

Mr. Wolfe: Had question about transition character areas and historic character areas. Are these character areas in the adopted standards? (Mr. Mosher: No, because these standards have not yet been adopted. Staff is suggesting the Transition Areas be referred to as Character Areas and continue the numbering system as the adopted map indicates.) Why doesn’t the Land Use Guidelines trump this? Why do we have LUGs? (Mr. Mosher: Each document describes a need. The LUGs describe intensity, use, etc. while the Historic Standards further describe architectural character, form, etc.) (Mr. Grosshuesch: We have a hierarchy of detail level. The more restrictive document will be used.) Where is policy 296 in our handbook? (Mr. Mosher: It is in the packet, page 31. These are not yet adopted.) (Mr. Neubecker: Once these are adopted they become policies, and provided to the Commission and put on the website.) Part missing is that there should be some public improvements discussed, like public art. (Mr. Mosher: Primary push is the improvement of the river corridor, not necessarily solely the public enjoyment of the water way.) It lacks vision. (Mr. Grosshuesch: The Land Use Guidelines will be used as opposed to a specific plan for public improvements. Talked about the original Riverwalk plan; conceptual designs were left out of regulatory master plan for ski area. Parcel consolidation needs to be done first. Hydrology and engineering needs to be done which will eventually be done but this is not the vehicle for this.) (Mr. Mosher: Town owns approx 90% of this property. These guidelines are to set general rules.) These guidelines don’t interfere with parking lots. South of Blue River plaza, intention to get the buildings to turn around and front Riverwalk; is that something that should be dealt with in terms of architecture? What about compatibility?

(Mr. Grosshuesch: Those buildings are in the Historic District, not the Transition Area. We are writing standards for another Character Area.) (Mr. Mosher: Adding character, windows, doors etc. is encouraged, to make buildings more compatible with the Riverwalk.) Is the Dredge inside or outside these boundary the lines? (Mr. Neubecker: Inside.) Town maintains the pathway around the Dredge pond area.

Mr. Pringle: Page 24, Policy 277, “axes”, needs to be changed to “axis”. These boundary lines have been approved by the Town. (Mr. Mosher: Showed some examples of the adopted map, the un-adopted map and the proposed map. The un-adopted map has not been approved, but was described in the wording in the un-adopted standards. Staff is suggesting keeping the boundary similar to the limits shown on the adopted map.) Need more clarification on what map is approved and what map has been adopted. Map that was approved is the map for transition areas, but the standards were never approved. (Mr. Mosher: Showed the map from the handbook of design standards.) (Mr. Grosshuesch: When the initial Historic District Standards were adopted, no one had drawn character standards, nothing as specific as we are trying to adopt tonight. There are general standards that address transition standards. It is now time to get specific.) There is a discrepancy between the map from 1992 and the current map. There is no place in the 1992 standards that discusses the west side of river property not extending across to park. (Mr. Grosshuesch: 1992 standards do show it.) (Mr. Neubecker: Un-adopted standards show a different map than what we are considering now.)

Ms. Dudney: Can you show on my map which properties are not owned by the Town? (Mr. Mosher showed Ms. Dudney.) This is harmless because it protects the town and provides guidance if a private developer wants to come in. Support as presented.

Final comments: Parking question for clarification: where is the opportunity to put a parking structure? Regarding page 34, Policy 305 introduction. (Mr. Mosher: Do we need to keep 305 in there?) (Mr. Grosshuesch: Addresses the difference between not having parking and having it hidden.) Suggested that language should state that parking structures not be exposed. (Mr. Mosher: Agree, there is a possible plan for underground parking at the back of Starbucks and the whole thing would be buried and unexposed.)

Mr. Wolfe: We will have to do this again after a master plan is done; the standards have no purpose. (Mr. Mosher: We may readjust this in the future. These standards will function as a base for all future development.) Shouldn't property owners in this district be notified? They would want to hear this conversation. (Mr. Grosshuesch: They are published in newspaper, agendas are on website, folks are welcome to attend meetings, but personalized invitations are not given.)

Ms. Christopher: This is a good foundation but we need to look at it in details especially underground parking.

Mr. Schroder: Which “Schoonover” is the Summit Housing Authority? (Mr. Mosher explained.) On Page 23, Relative architectural compatibility, under the picture of the Riverwalk, the “shoulds” in the paragraph: do we have teeth in the “shoulds”? (Mr. Mosher: Staff can massage with applicants and gives Planning Commission discretion and flexibility.) Support the removal of Policy 296 (the third bullet); we expect river to get turned over anyway. (Mr. Neubecker: Sections of the Town Code already addresses this. Removing this would be okay.) (Mr. Grosshuesch: The river corridor is a very small zone and opportunities for new wetlands creation are minimal.) (Mr. Neubecker: There could be wetlands down from the Dredge, near the alpine park the town created.) (Mr. Mosher agreed.) This discussion is conversational; are there any further comments from the Commission from Mr. Mosher's presentation?

All the Commission agreed to remove Design Standard 296 from the Handbook.

2. JUBMP Status Report (JP & MT)

Mr. Truckey presented. The Joint Upper Blue Master Plan (JUBMP) was adopted by the Towns of Breckenridge and Blue River and Summit County in 1997. The Plan provides general policy guidance on broad land use issues affecting the Upper Blue Basin. For several reasons, the three jurisdictions have agreed to revisit the 13-year old Plan and update it. The Town Council previously endorsed a recommendation of the Sustainability Task Force to undertake a “minor” update to the JUBMP.

Staff provided an overview of the Joint Upper Blue Master Plan (JUBMP) update at the October 5, 2010 Planning Commission meeting. A JUBMP Update Committee was subsequently formed in November to work on the Plan. The

committee consists of two Town of Breckenridge Council members, two Town of Blue River Trustees, two Upper Blue Planning Commissioners, and one at-large representative. The JUBMP Update Committee met three times so far and has discussed a variety of issues. Main issues and recommendations from the committee have included:

The JUBMP Update Committee has agreed to the following:

- Maintain a cap on overall density (no up-zonings in the basin without TDRs). Mr. Truckey added that currently we have already exceeded our build-out goal from the Plan of 10,500 units but that is in part due to the fact that we have better accounting and technology like GIS.
- The new Plan will include a density target number—like the 1997 Plan—indicating a maximum amount of density that is appropriate for the basin. However the target will be adjusted to what we feel we can reasonably accomplish in density reductions. This number will be much higher than the 10,500 residential unit target of the 1997 JUBMP—a number that has already been exceeded.
- Rational for the cap will be based once again on community character, not infrastructure capacity.

Other issues that have been discussed but not fully resolved include:

- Affordable housing: The County is considering a policy on transferring density at a 1:2 ratio for new affordable housing units that are developed (similar to the policy that the Town has informally adopted). The County is currently undertaking an analysis of the amount of density that the County owns in order to understand this further.
- Town of Blue River: The Town of Blue River has made several requests that they feel are necessary in order for their continued participation in the JUBMP. The requests include:
 - The Town of Breckenridge and the County should not allow deed-restricting of properties in Blue River as a way of meeting affordable housing obligations in the Town or County.
 - The Summit Housing Authority should not purchase buy-down units in the Town of Blue River
 - The Town of Blue River should not be subject to the density reductions targets in the Plan (they want to maintain the existing density that they have)
 - Blue River wishes to be party to the Intergovernmental Agreement (IGA) regarding TDRs—the current agreement only involves the Town of Breckenridge and the County

The JUBMP Committee has indicated a desire to accommodate Blue River's requests. There are currently no deed-restricted housing units in Blue River, so to date the Town of Breckenridge and the County have been able to see their housing requirements fulfilled without use of Town of Blue River properties. The potential for density reductions is fairly minimal in Blue River and thus not a significant issue. Overall, the Committee feels it is important to keep Blue River as a party in the JUBMP, even if some minor concessions are made. The Council was introduced to this topic at their joint worksession with the BOCC and seemed to have no major objection but did not discuss it much and will have to formally decide these issues at a later date.

Policies in the JUBMP may eventually be implemented through amendments to the Development Code, so it is beneficial for the Planning Commission to be updated on the Plan's progress. This memo is intended as an update for the Planning Commission. No action by the Commission is necessary.

Ms. Puester showed a graph of residential build out from 1996 to 2010. The current number of units built is at 10,850 in the basin, which surpasses the 10,500 unit goal of the Joint Upper Blue Master Plan. This is in part due to better accounting, databases and GIS, as well as the addition of built affordable housing. "Absolute" build-out represents all the building that could possibly happen per permitted zoning. "Realistic" build-out created in the 2010 analysis represents what is permitted given physical site constraints such as wetlands, steep slopes and development code regulations such as building height. The realistic build-out is likely what we could really see which is around 14,000 residential units, 3,000 more than we have today or 77% built out. The reduction goal in original plan was 2,550 units to be reduced and we are close to achieving that. We included commercial reductions in town since they can be converted into residential.

Commissioner Questions / Comments:

- Mr. Wolfe: Will private developers be required to provide density to affordable housing projects? (Mr. Truckey: The Town is looking at providing that density. The impacts are the same whether done privately or publicly. Could be part of the incentive that the Town gives a developer. The County is looking at the ratio and considering doing more affordable housing maybe in the way of buying land for the housing with the town doing the building.) Have you looked at properties that are underdeveloped and believe that they may be scraped? (Ms. Puester: Yes, the realistic build-out numbers take that into consideration.) Why is it important that Blue River agree to this? Why do they want exemptions? (Mr. Truckey: Turns out that they do not need as much as requested. They already have density that the Town needs on their properties. They would still require private entities to get TDRs. Blue River is concerned about property tax and if property is deed restricted it may negatively affect their tax base to work with. The Committee feels it is important to have Blue River as a partner at the table and is willing to make some concessions to keep them in the Plan.) (Ms. Puester: Blue River is not on any major transit lines; that is another topic that the group has considered when locating affordable housing further away from the core of the employment base.)
- Mr. Pringle: Have you decided who is the biggest violator in exceeding build-out, the Town or the County? (Ms. Puester: Neither was aware that we exceeded the build-out goal until the recent analysis was done.) So many variables exist, this information could become irrelevant. (Mr. Wolfe: The difference here is that land is so limited; the JUMBP doesn't address operating policies of the ski area parking, like if they raise prices, traffic will go down and vice-versa.) The mentality is different regarding the accessibility of Summit County from the metropolitan area as opposed to 14 years ago when the Plan was written. Our crystal ball is cloudy and we don't really know the future. The I-70 corridor has made a considerable impact. There should still be some type of carrying capacity limit goal in the Plan.
- Ms. Dudney: When do you project build-out? (Mr. Truckey: Previously, we thought 2014 or 2015 a few years ago when things were booming. Perhaps now the build-out could be 2020.) Is affordable housing included in the numbers Ms. Puester presented? (Ms. Puester: The units built are in the build out. However, additional affordable housing planned is not in the build-out projections on this sheet.) Has population in units decreased in recent years per household? Do you look at that? (Mr. Grosshuesch: It is how you measure for density, by units or zoning, the way the Code is written and measures activity is by trip generation, not per capita. Land use regulations deal with dwelling units, not people. Number of units has an impact on the infrastructure.) What is the real impact? Was there an analysis of the impact of when we reach the cap? Not quite as simple as just the amount of units. (Mr. Grosshuesch: It is hard to analyze. When you get down to the number of people and the recession hits, then household numbers change. It will fluctuate over time and we are driven by the data that is available.) Government should be careful about deciding for the area what the future should be. Tread carefully because we don't really know the impact and it will raise property values and decrease the building industry economy if it is limited.

TOWN COUNCIL REPORT:

None.

AMENDMENT TO PLANNING COMMISSION RULES AND REGULATIONS:

Mr. Neubecker presented a proposal to permanently add to the Rules and Regulations that there would be no 2nd meeting in December.

Ms. Dudney made a motion to approve Resolution 7 to amend the Planning Commission Rules and Regulations, Rule 5.1. Mr. Butler seconded, and the motion was approved unanimously (6-0).

OTHER MATTERS:

1) Class C Subdivisions Approved July – December, 2010 (Memo Only)

2) Class D Permits Approved January – December, 2010 (Memo Only)

Mr. Neubecker presented two memos summarizing Class C Subdivision (Jul-Dec) and Class D Permits (Jan-Dec) approved for 2010.

Commissioner Questions / Comments:

- Mr. Wolfe: Are you following up on discussion regarding vendor carts and how present code doesn't cover all the items coming down the pipe? (Mr. Neubecker: Yes, we are working on vendor carts for the January 18th meeting.) What happened to variances for signs for village of Breckenridge? (Mr. Neubecker: Most of the variances for the Village at Breckenridge were approved. It was basically the same as approved by Planning Commission, but with all free-standing signs at 10' tall.)
- Mr. Schroder: What constitutes a tent? (Mr. Neubecker: That was probably the tent at Burke & Riley's for St. Patrick's Day, or the tent at Beaver Run in the summer.) No motion to approve last meetings minutes. Made a motion to approve the minutes from the December 7, 2010, meeting. Approved.

ADJOURNMENT:

The meeting was adjourned at 9:15pm.

Dan Schroder, Vice Chair

Planning Commission Staff Report

Project Manager: Julia Puester, AICP

Date: January 11, 2011 (For meeting of January 18, 2011)

Subject: Powder Ridge Exterior Remodel (Class C-minor, PC#2010071)

Applicant/Owner: Powder Ridge Condo HOA

Agent: Greg Gutzki, HOA President

Proposal: Repaint body and trim color on the entire building. New synthetic stone veneer base of building and on exterior elevation column bases to match existing synthetic rock on garage, new trex railings with metal pewter balusters, new entry features on interior of site and new trusses and gables over existing exterior decks. A material and color sample board will be available for review at the meeting. Additionally, color photographs of the existing building elevations will be available for review at the meeting.

Address: 550 S. French St.

Legal Description: Powder Ridge Condo Subdivision

Site Area: 1.0817 acres (47,119 sq. ft.)

Land Use District: 26: Residential 4 Units per acre

Site Conditions: Powder Ridge is an existing multifamily three building development consisting of a total of 26 units built in 1973. There are existing lodge pole pine, aspen and spruce trees on site. In 2009, improvements to the garage interior were completed and four years ago windows and doors were replaced.

Adjacent Uses: North: Carter Park
South: S. French St., Single Family residential
East: Single family residential
West: Multi-family residential

Density: No change

Mass: No change

Height: No change in maximum building height. Gables proposed over the decks (page A2.0) will replace the shed roof elements and measure a maximum of 32 feet from finished/existing grade. The gables are below the existing roof ridge.

Lot Coverage: No change

Parking: No change

Snowstack: No change

Setbacks: No change

Landscaping: No change

Staff Comments

The applicant requested that the Planning Commission review this proposal as submitted as the gable features being proposed are repetitive throughout the project.

As this application is for an exterior remodel of the building, those Development Code policies that are not applicable have been left out of this Staff report.

Architectural Compatibility (5/A & 5/R): The proposed change to the exterior colors and materials meet the guidelines of this Policy. The existing primary building material is horizontal wood siding. The body and trim colors proposed are earth-tone painted wood siding. All materials are existing with the exception of the additional rock ranging from 2'-4' tall around the base of the buildings (with the exception of the east and north sides of the building-rear facing) and on all column bases. The synthetic rock proposed will be the same rock which is currently on the garage portion of the building and will be under 25% per elevation. New natural stained timber truss gable elements will replace shed roof forms and enclosed entry stairways. Existing deck railings will be replaced with natural colored wood grain trex (to match timber trusses) and new metal pewter balusters. The roof materials proposed on the gables are the existing brown asphalt shingles. A material and color board will be available at the meeting for review. Staff has no concerns and is encouraged to see upgrades proposed at this site.

Exterior Lighting (46/A): New exterior lighting will be required to meet the Development Code. Staff has no concerns.

Point Analysis (Section: 9-1-17-3): Staff finds that this application has met all Absolute Policies and has incurred no negative or positive points under all Relative Policies. The proposal passes with a score of zero (0) points.

Staff Decision

The Planning Department has approved the Powder Ridge Exterior Remodel (PC#2010071) with the attached Findings and Conditions.

TOWN OF BRECKENRIDGE

Powder Ridge Condo Exterior Remodel
550 South French St.
Powder Ridge Condo Subdivision
PC#2010071

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

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **January 11, 2011**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **January 18, 2011** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **July 25, 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 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 compliance for the project covered by this permit. The determination of whether a certificate of compliance should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

7. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
8. The one Aspen tree, shown on the approved plans, with an option for removal, is the only tree authorized for removal with this application.

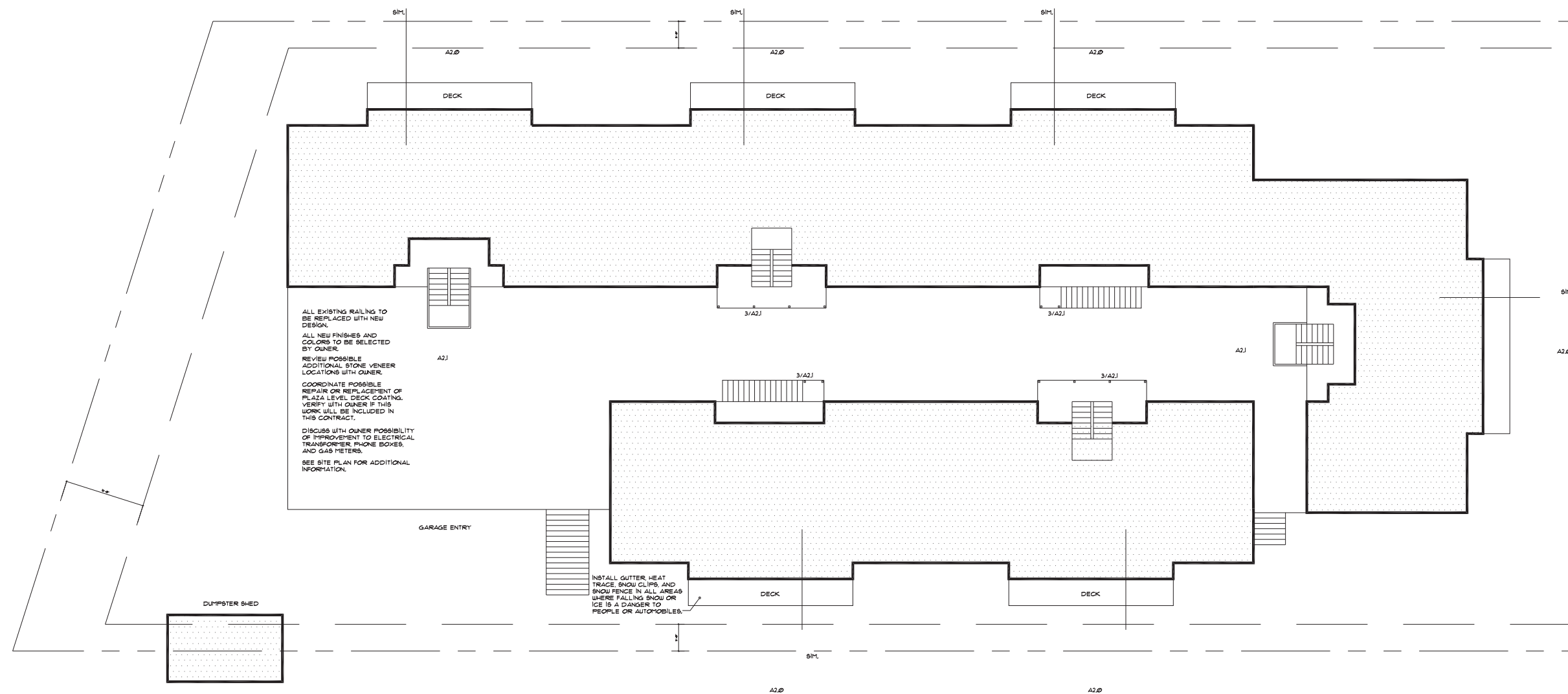
PRIOR TO ISSUANCE OF BUILDING PERMIT

9. Applicant shall submit proof of ownership of the project site.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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 COMPLIANCE

15. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
16. 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.
17. 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.
18. Applicant shall screen all utilities.
19. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

20. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
21. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town 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.
22. No 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.**
23. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.



ALL EXISTING RAILING TO BE REPLACED WITH NEW DESIGN.
 ALL NEW FINISHES AND COLORS TO BE SELECTED BY OWNER.
 REVIEW POSSIBLE ADDITIONAL STONE VENEER LOCATIONS WITH OWNER.
 COORDINATE POSSIBLE REPAIR OR REPLACEMENT OF PLAZA LEVEL DECK COATING. VERIFY WITH OWNER IF THIS WORK WILL BE INCLUDED IN THIS CONTRACT.
 DISCUSS WITH OWNER POSSIBILITY OF IMPROVEMENT TO ELECTRICAL TRANSFORMER, PHONE BOXES, AND GAS METERS.
 SEE SITE PLAN FOR ADDITIONAL INFORMATION.

INSTALL GUTTER, HEAT TRACE, SNOW CLIPS, AND SNOW FENCE IN ALL AREAS WHERE FALLING SNOW OR ICE IS A DANGER TO PEOPLE OR AUTOMOBILES.

1 SITE KEY PLAN
 A1.0 3/32" = 1'-0"

POWDER RIDGE REMODEL
 FRENCH STREET
 BRECKENRIDGE, COLORADO 80424

Revisions:
 11.22.2010

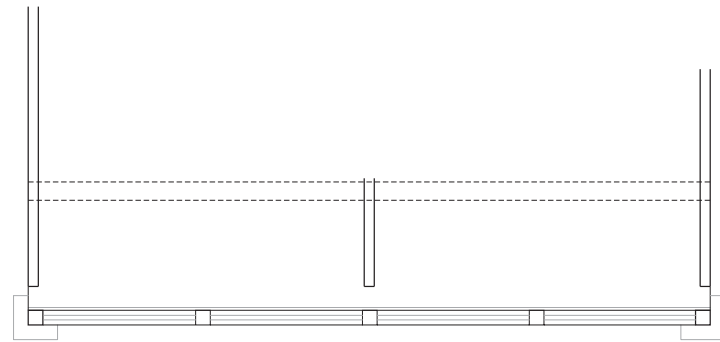
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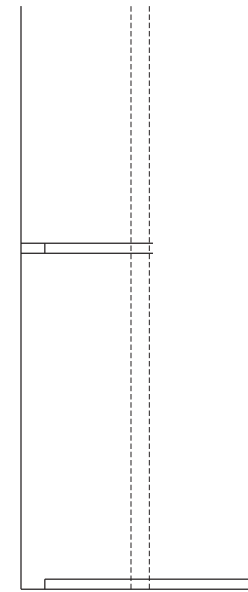
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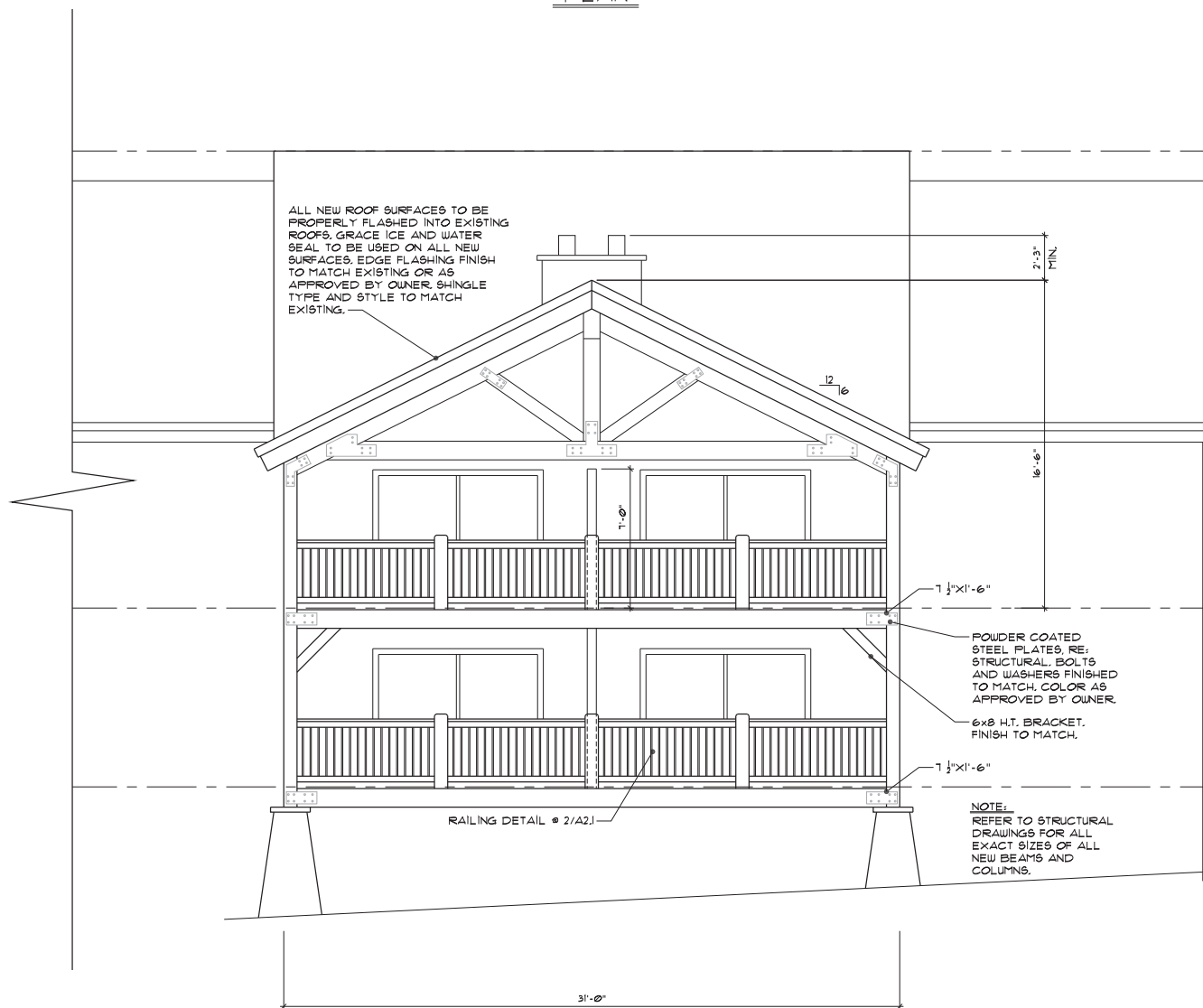
A1.0
 SITE KEY PLAN



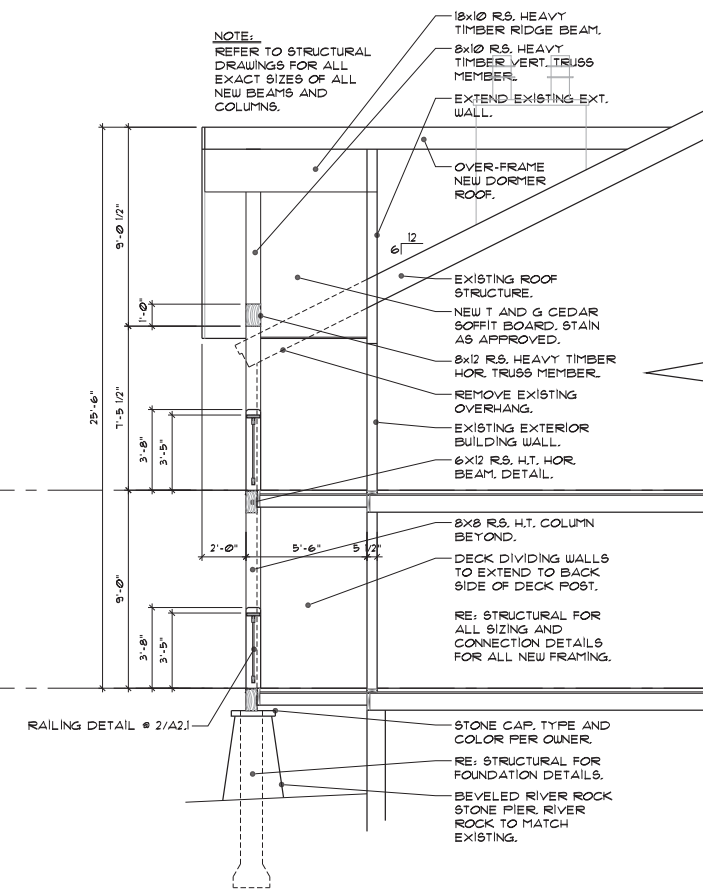
PLAN



PLAN



2 DECK DORMER (A) ELEVATION QTY=6
A2.0 1/4" = 1'-0"



1 DECK DORMER (A) SECTION
A2.0 1/4" = 1'-0"

POWDER RIDGE REMODEL
FRENCH STREET
BRECKENRIDGE, COLORADO 80424

Revisions:
11.22.2010

Date: 11.22.2010

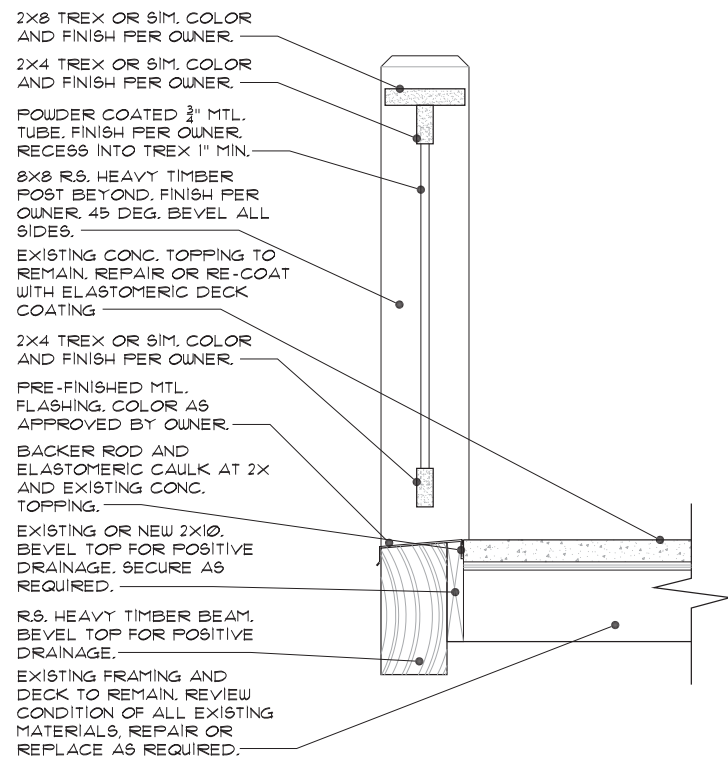
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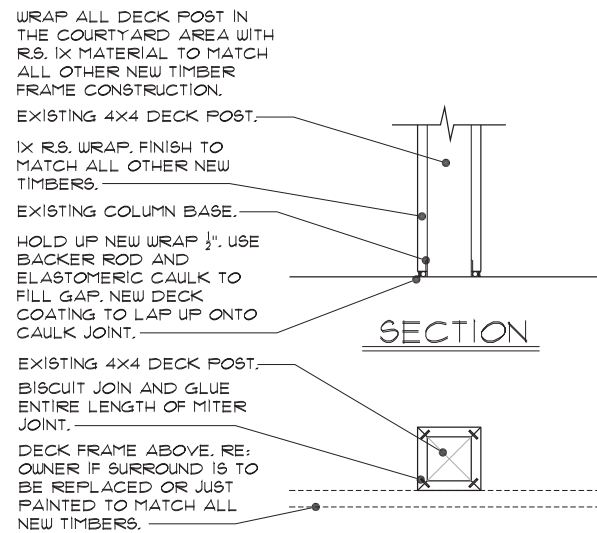
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A2.0

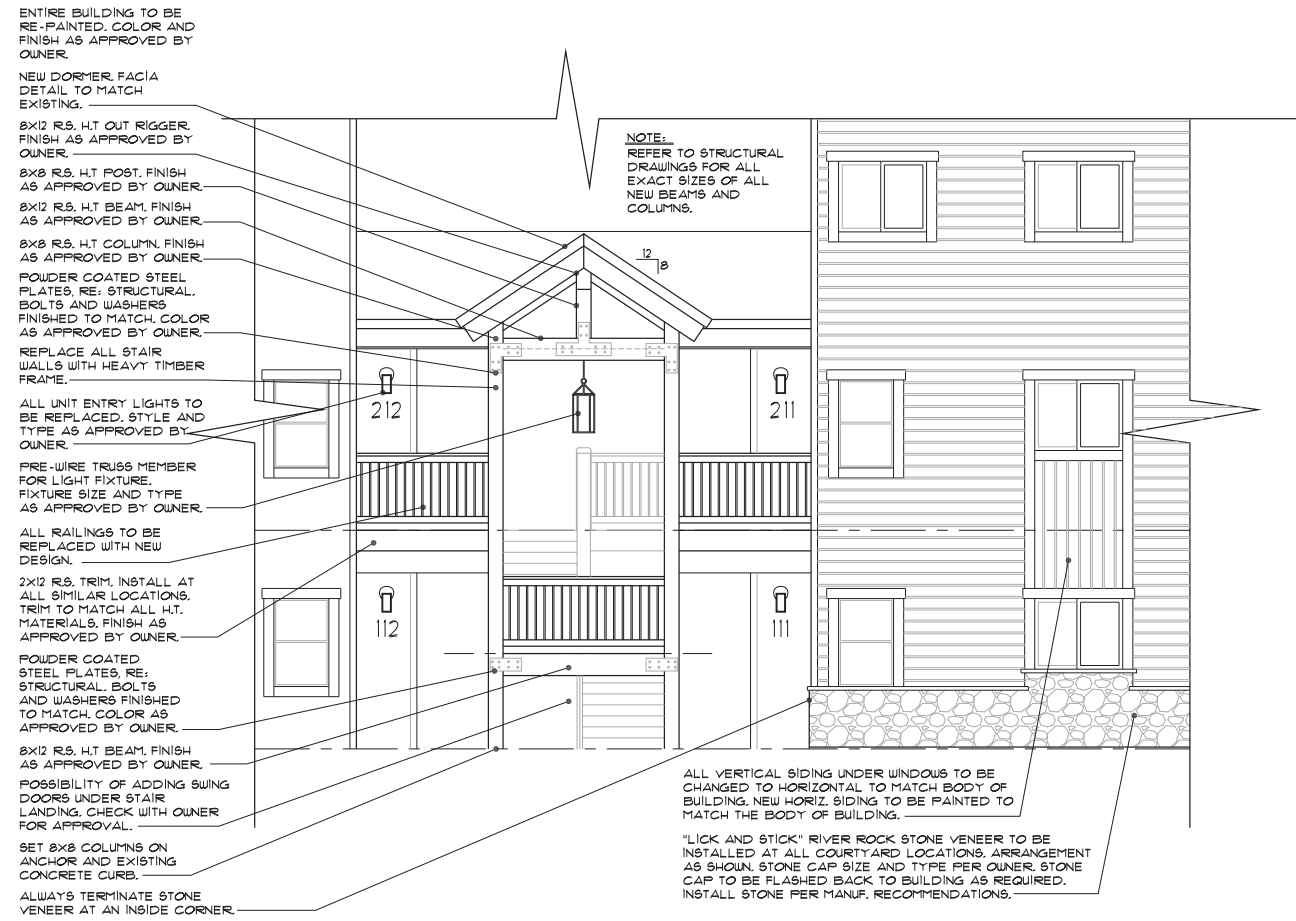
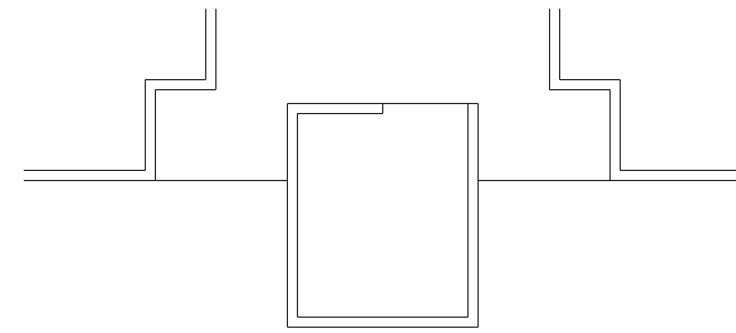
DECK ELEV. / SECTION



2 NEW RAILING DETAIL
A2.1 1/2" = 1'-0"



3 DECK POST @ COURTYARD
A2.1 1/2" = 1'-0"



1 STAIR CORE (B) DORMER QTY = 2
A2.1 1/4" = 1'-0"

POWDER RIDGE REMODEL
FRENCH STREET
BRECKENRIDGE, COLORADO 80424

Revisions:
11.22.2010

Date: 11.22.2010

Project No:

Drawn by: DLF

Checked by: DLF

A2.1
STAIR DORMER / DETAILS







MEMO

TO: Planning Commission

FROM: Chris Neubecker

RE: Policy 5 (Relative) Architectural Compatibility

DATE: January 11, 2011

The Town Council recently directed the staff to research the existing policy on the use of non-natural materials outside the Conservation District.

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 the total of one elevation exceeds 25%. Fiber-cement siding can be designed to look like wood products, and the manufacturers claim that they last much longer, 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.

During the meeting on November 16, 2010 the Commission supported removal or reduction in negative points. Some Commissioners comments included:

- Fiber-cement siding OK if it “looks like wood”.
- OK only if there is other natural material on the structure, such as wood trim, or a natural stone base.
- Assign negative points only when fiber-cement siding (and other non-natural material) exceed 50% per elevation (rather than only 25%). Consider reducing the amount of negative points.

At this point, we are looking to gain consensus on the approach so that we can put the new policy into ordinance form. One suggestion on how to change the code is proposed below:

Exterior building materials and colors should not unduly contrast with the site's background. The use of natural materials, such as logs, timbers, wood siding and stone, are strongly encouraged because they weather well and reflect the area's indigenous architecture. Brick is an acceptable building material on smaller building elements, provided an earth tone color is selected. Stucco is an acceptable building material so long as an earth tone color is selected, but its use is discouraged and negative points shall be assessed if the application exceeds twenty five percent (25%) on any elevation as measured from the bottom of the fascia board to finished grade. Such measurement shall include column elements, windows and chimneys, but shall not include decks and railing elements. **Fiber-cement siding may exceed 25% per elevation without the assignment of negative points if the fiber-cement simulates wood, and if there are other natural materials on the structure (such as wood trim or accents, or natural stone base, as examples).** Roof materials should be nonreflective and blend into the site's backdrop as

much as possible. Inappropriate exterior building materials include, but are not limited to, untextured exposed concrete, untextured or unfinished unit masonry, highly reflective glass, reflective metal roof, and unpainted aluminum window frames. This section applies only to areas outside of the historic district, but does not apply to the Cucumber Gulch overlay protection district (see policy 5 (absolute), subsection D, of this section).

This proposed language would still allow the assignment of negative points for fiber-cement siding that does not have a wood grain texture. It would also allow for negative points if there are no natural materials on the exterior of the structure. Does the Commission support this approach? If not, what changes are needed to gain your support?

Commissioner Questions / Comments from November 16, 2010:

Mr. Schroder: I don't feel we need to assign negative points to cementitious siding. They can already do 100% non-natural siding, but it will get negative points. I support the 3rd 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

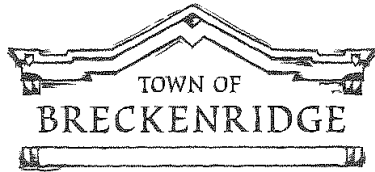
paint for Conservation District). Could be ok with cementitious siding if there was some natural rock. Okay with no negative points as long as it appears natural.

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.



MEMORANDUM

TO: Planning Commission

FROM: Chris Neubecker

DATE: January 11, 2011

SUBJECT: Policy 47 (Absolute) Fences, Privacy Gates and Gateway Entrance Monuments

The current Development Code policy on Fences, Privacy Gates and Gateway Entrance Monuments came into the spotlight after review of the Shock Hill Lodge permit renewal, which included fences around the pool and spas, as well as near the gondola for public safety. The Commission expressed some concern with the required fence designs, in particular the requirement for chain link fencing. In turn, staff has proposed some changes to this policy, including the language about fences near pools and other outdoor recreation areas. We have also taken this opportunity to propose other revisions we believe are warranted. Following is a summary of some of the proposed changes to the fence policy:

- Fences at outdoor recreation areas, including pools and spas, could be constructed of steel, aluminum or wood, in addition to chain link.
- Fencing would be allowed at parking lots to protect pedestrians and designate drive aisles. (For example, the split rail fence at the north end of the South Gondola Lot, near the Skier Drop-off Parking.)
- Where fences are required by law, the Planning Commission may approve a fence that does not meet the Handbook of Design Standards.
- Privacy fences within fifty (50) feet of a right-of-way would be allowed. (They are currently prohibited).

We also believe that fences around self-storage facilities should be discussed. These facilities usually include fences since the areas are not occupied, but are generally available to unit renters 24 hours per day. Staff suggests that attractive fencing, such as black steel or wrought iron-looking, be used in the highly visible areas of the self-storage, but to allow less expensive fencing in the areas hidden from public view (i.e. at the rear of the lot).

We have attached a draft of the revisions proposed by staff. We welcome input from the Commission of the direction we are headed with this policy, and if any changes are needed.

MEMO

TO: Planning Commission
FROM: Chris Neubecker
RE: Temporary Vendor Carts
DATE: January 13, 2011

On November 16, 2010 the Planning Commission discussed the use of temporary vendor carts for the selling for food and beverages. These carts are currently allowed in town per Policy 36 (Absolute) when they meet certain criteria:

C. Temporary Vendor Carts: Temporary vendor carts may be allowed when they meet the following criteria:

(1) They provide no service other than the sale of food or beverages in a form suited for immediate consumption.

(2) They are located entirely on private property, or on public property specifically designated for vending by the town.

(3) They are no greater than one hundred (100) square feet in size.

(4) They provide a positive impact upon the community, as determined by an evaluation of the application against all relevant policies of the development code. These will include, but not be limited to, aesthetics, site design, architectural compatibility, etc.

D. Transient Vendor Carts: Vendor carts, wagons, booths, etc., that do not meet the criteria and definition of a temporary structure or temporary vendor cart shall only be allowed for special events sponsored by the town, the Breckenridge resort chamber, or as approved by the town. (Ord. 19, Series 1988)

Following are the code definitions for both Temporary Vendor Carts and Transient Vendor Carts:

TEMPORARY VENDOR CART: A structure of less than one hundred (100) square feet in size in the form of a wagon, cart, booth or other similar structure, intended for the sale of goods and services on a temporary basis for a period of time of not less than four (4) days nor more than three (3) years.

TRANSIENT VENDOR CART: A structure in the form of a wagon, cart, booth, etc., intended for the sale of goods and services on a temporary basis for a period of time of less than four (4) days, and usually associated with a special event. (Ord. 19, Series 1988)

During the meeting on November 16th, Staff also discussed vendor trucks, which have been recently proposed but are not addressed in the Town's current codes. At the time, the Commission generally did not support the use of vendor trucks. We have also since heard opposition to vendor trucks from the Town Council.

This memo will discuss possible changes that are needed to the Town's current policy on temporary vendor carts. (At this time, no changes are proposed to transient vendor carts, which are part of a special event, and usually in town for only a few days.)

Concerns with Current Policy on Temporary Vendor Carts

Some of the main concerns on the use of temporary vendor carts include the aesthetics, location, size, form, use of density and tap fees (water and sewer), and parking requirements. By definition, these vendor carts are temporary, as they are permitted for a maximum of three years. (Permits can be renewed if the project is still in compliance with codes in effect at the time.) Since they are temporary, questions arise as to the level of investment that should be required.

Water Tap Fees: For example, if carts are required to pay water Plant Investment Fees, but are only allowed to operate for three years, is that fair? In most cases, vendor carts are not connected to the water system, although the water used is certainly coming from somewhere (in many cases, from a commissary, or from the operators residence, which could be inside of outside the town.)

Density: Historically, the Town has not counted vendor carts as density. This may stem back to a time when the carts were much smaller, similar to a hot dog push cart, or a small popcorn cart. In those cases, carts could be moved from property to property, and the carts were relatively small and the operator was outside the cart. Also, the definition of commercial density in the Development Code implies that there is a building. "*Density shall be calculated by adding the total square footage of each floor of the building. Except as provided below, this shall include any basement areas or storage areas, no matter what the proposed use shall be, and shall be measured from the outside of the exterior walls.*" In cases where a vendor stands inside the cart or trailer (such as the Crepes a la Cart, or Beaver Tails), staff could support requiring density.

Parking: In the past, Staff has not counted vendor carts toward the requirement to provide parking. All vendor carts provide food and beverages to people who are outside the cart, and there is not indoor seating provided for guests. Also, since vendor carts have not counted as density, they have not been required to provide parking. These types of carts generally provide food to pedestrians who are already in town, and are not generally attracting people to drive to the cart. Also, outdoor seating does not count toward the number of required parking spaces per our current regulations (outdoor seating does not count in restaurant uses either). Theoretically, the space inside the cart (if counted as density) would count toward the required parking. At most properties within the Parking Service Area, there is not space to add parking. This would

mean that applicants would need to pay a fee in lieu of parking. At the current rate of \$13,000 per parking space, this would equal \$4,555.00 for a 100 square foot vendor cart. This additional cost (which is non-refundable) would likely be a hindrance to opening such a business.

Location: In all cases, temporary vendor carts are required to be on private property (unless the Town specifically designates vending locations on public property, which is not currently designated.) The location is reviewed by staff for circulation and access, but also impacts to surrounding properties. For example, in the historic district, carts should not be located in the front yard of a historic building, but carts have been allowed to the side or rear yards.

Historic District Standards: Should vendor carts within the Historic or Conservation Districts meet the Historic District Standards? In the past, this has not been required because of the temporary nature of the carts. It could be extremely difficult to make vendor carts meet these standards, and the result could look very contrived. Also, greater investment into these temporary carts may encourage them to remain in place for longer periods of time. If the goals are to make these truly temporary, then less expense would allow a vendor to operate when business is good, and remove the cart when business is poor.

Size: The current policy allows vendor carts to be up to 100 square feet. This is about the size of the Beaver Tails trailer (recently removed). This size is sufficient for most operators, although we have received requests to increase the allowed size, which would allow for greater variety and qualities of food. Alternately, if the size were reduced, it would reduce the visual impact of these carts on the community and perhaps result in less competition to local restaurants that make a full investment in the town.

Form of Vendor Carts: The current policy allows temporary vendor carts to be in the form of a “wagon, cart, booth or similar structure”. Staff believes that allowing a booth encourages people to construct small buildings on their property, which result in much less temporary-looking structures. While these structures can more easily be made to comply with the Historic District Standards (lap wood siding, steeply pitched roofs, etc.) they are less likely to be removed when not in operation, since they are less mobile. Requiring a cart to be mobile at least makes it easy to be removed when no longer in operation. Staff proposes removing the term “booth” from this definition.

Aesthetics: Paragraph #4 of the current policy requires vendor carts to “... provide a positive impact upon the community, as determined by an evaluation of the application against all relevant policies of the development code. These will include, but not be limited to, aesthetics, site design, architectural compatibility, etc.” This seems to imply that vendor carts should meet the requirements of Policy 5 (Architectural Compatibility), but such policy is designed for permanent structures, and it is very difficult to use such policy to review uses that are temporary in nature. Staff believes that vendor carts should not be dilapidated and should be kept clean and in good operating order, but reviewing such proposals on aesthetics is very subjective and does not align well with the temporary nature of vendor carts.

Permit Duration: The current definition of temporary vendor carts allows vendor carts between 4 days and three years. Some concerns have been raised for allowing such uses for three years.

Staff is not overly concerned about this duration, and we would be willing to consider other durations if this is a concern to the Commission. For example, the allowed duration could be reduced to one year, with the possibility of permit extensions by the staff. However, please keep in mind the investment into the carts themselves; for example, if only six months were allowed, many operators would not be able to recoup their costs in such a short amount of time.

Conclusion

It is clear that there are several issues that could be addressed relating to temporary vendor carts. In many cases in the past, these carts have not been a problem. But recently, some higher profile vendor carts have raised questions about the current policy. Staff has the following questions for the Commission:

1. Should vendor carts be allowed at all? (Staff believes that vendor carts add animation, provide another food option to guests and locals, and can be operated successfully with a few adjustments to the current policy). If the regulations are too burdensome, most carts will be deterred from doing business in Town. If there is a desire to prohibit these vendors, staff believes it makes sense to simply prohibit them, rather than creating excessive regulations to allow them.
2. Should vendor carts count as density? If density is required, it may prohibit vendor carts in some cases. It would also require tap fees and parking (or parking fees), which may be inequitable for a temporary use.
3. Does the Commission agree with staff that vendor carts should not be placed in front of historic structures? Are there other locations on private property that should be prohibited?
4. Should the Historic and Conservation District Standards apply to vendor carts inside these districts? Will this really lead to better/more attractive carts?
5. Does the current size limit of 100 square feet still make sense? Should they be bigger? Or smaller?
6. Does the Commission agree that the word “booth” should be removed from the policy? What about a trailer?
7. Should the permit duration be changed?

We welcome Commission input on these questions. We hope to come to some type of consensus on this issue, so that we can move forward with ordinance language and eventually to the Town Council.