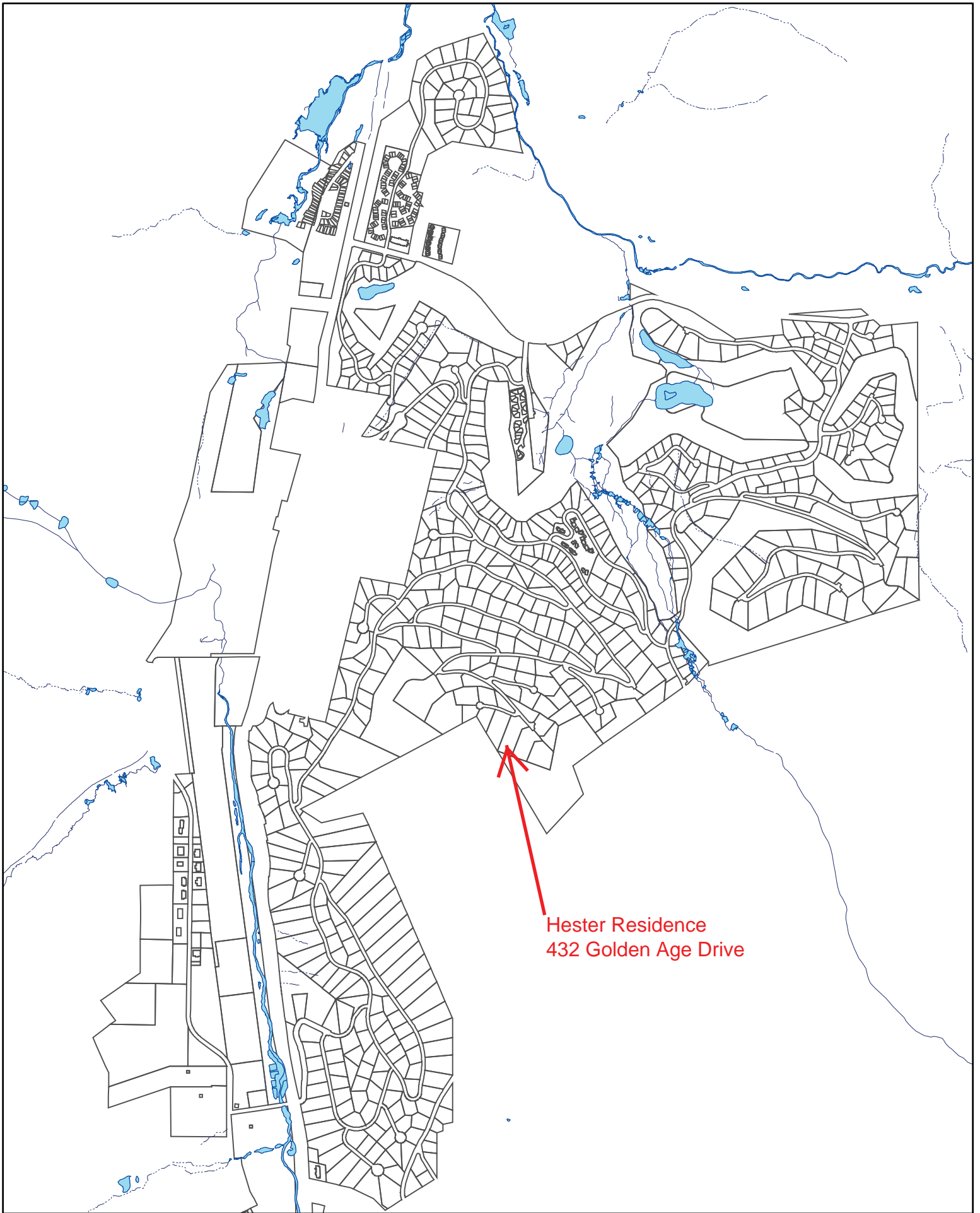


**Town of Breckenridge**  
**Planning Commission Agenda**  
Tuesday, March 1, 2011  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>7:00</b>	<b><i>Call to Order of the March 1, 2011 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes February 15, 2011 Regular Meeting Approval of Agenda</i></b>	<b>3</b>
<b>7:05</b>	<b><i>Consent Calendar</i></b> 1. Hester Residence (MGT) PC#2011004 432 Golden Age Drive	<b>11</b>
<b>7:15</b>	<b><i>Work Sessions</i></b> 1. Fence Policy (CN) 2. Air Quality Policy (CN)	<b>22</b> <b>28</b>
<b>8:05</b>	<b><i>Town Council Report</i></b>	
<b>8:15</b>	<b><i>Final Hearings</i></b> 1. Columbia Lode Master Plan (MM) PC#2010017 ( <i>Continued to a future meeting.</i> ) 400 North Main Street	
<b>8:15</b>	<b><i>Other Matters</i></b> 1. Public Process Plan for Transition Standards Adoption (MM) 2. Ordinance Updates (CN) (Memo Only) 3. Annexation Updates (CN) 4. Planning Commission Field Trip (CN)	<b>31</b> <b>33</b> <b>34</b> <b>36</b>
<b>9:00</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.*



Hester Residence  
432 Golden Age Drive



Town of Breckenridge and Summit County governments  
are not responsible for the accuracy of the data, and  
use of the product for any purpose is at user's sole risk.

**Breckenridge North**

*printed 2007*

**J**

PLANNING COMMISSION MEETING

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

ROLL CALL

Trip Butler	Kate Christopher	Gretchen Dudney
Rodney Allen	Dan Schroder	Jack Wolfe
Dave Pringle		
Mark Burke (Town Council)		

APPROVAL OF MINUTES

Mr. Pringle: Please change Page 2 of minutes to read: “It could be that if we deny or approve an application...”  
With one change, the February 1, 2010, Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

Mr. Neubecker stated that a memo on the Vendor Cart moratorium, which was recently passed by Town Council at first reading, was in the Commissioners’ notebooks. Questions will be discussed during Other Matters at the end of the meeting. With no other changes, the Agenda for the February 15, 2011 Planning Commission meeting was approved unanimously (7-0).

**CONSENT CALENDAR:**

1. Sundowner I Exterior Remodel (JP) PC#2011002; 445 Four O’clock Road

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

**WORKSESSIONS:**

1. Forest Health / Voluntary Defensible Space Update (JC & MGT)

Ms. Cram and Mr. Thompson presented an update on the status of the Forest Health and Voluntary Defensible Space programs at the Town of Breckenridge.

Mountain Pine Beetle: In April of 2010 the Mountain Pine Beetle (MPB) Ordinance was updated based on public feedback (including HOAs) and the Red, White and Blue Fire District. The primary changes to the Ordinance are: requirement of annual removal of dead and infested trees; enforcement of Ordinance on a complaint basis; no Class D permit required for approved contractors to remove dead and infested trees. Thirty contractors were on the approved list.

In 2010, Staff received 58 complaints from property owners that reported that their neighbors had not removed required dead and infested trees by the July 15<sup>th</sup> deadline. Staff sent letters to all 58 property owners. All but one property owner complied by removing dead and infested trees shortly thereafter and the last property owner submitted a plan to remove dead and infested trees, which was approved by the Community Development Director.

Staff believes that the current MPB program is working well. We plan to hold contractor training sessions again this spring to continue to educate tree removal contractors on the Town’s current policies, programs and goals for forest health.

Voluntary Defensible Space: In June of 2009 the Town adopted a Mandatory Defensible Space Ordinance. In August of 2009 the Mandatory Ordinance was repealed and replaced with a Voluntary Defensible Space Ordinance to be administered by the Red, White and Blue Fire Protection District (RWB). The Fire Wise Task Force, consisting of one Council member, Town Staff, and several Breckenridge citizens, was also created. In 2009 RWB reported that 250 properties had requested voluntary inspections and subsequently completed creating defensible space around their homes. In 2010 the RWB reported that 29 additional properties had requested inspections and created defensible space. Staff will continue to do public education and review of the program with RWB.

In 2010 staff looked at the subdivisions in Town that should create voluntary defensible space based on their proximity to Forest Service land and large tracts of Open Space. Subdivisions within the Historic District, Wellington Neighborhood and Vista Point/Gibson Heights were not included in the evaluation. Vacant lots were

also not included. Staff estimated that there are approximately 1,674 single family homes that should create defensible space within Town limits. According to information provided by RWB, 279 or 16% of the properties have created Voluntary Defensible Space.

Fuels Reduction and Fuel Breaks: In January of 2010 the Town of Breckenridge and Summit County Open Space applied for the Colorado Forest Watershed Restoration Grant, established by the General Assembly through House Bill 1199, and was selected for a financial assistance matching grant. The Colorado State Forest Service offered the Town and County \$148,259 in state grant funds to support our project titled “Town of Breckenridge and Summit County Fuels Reduction and Watershed Protection Project” on 92 acres.

The goal of the 2010 project was to implement fuels reduction and watershed protection actions on 96 acres of Town of Breckenridge (TOB) and Summit County (County) owned open space lands (40 acres of County land, 34 acres of TOB land, and 22 acres of jointly owned land), all located adjacent to vulnerable residential lots and public infrastructure. The area for this project includes multiple parcels prioritized in a 2008 Town-commissioned study that identified Town-owned open space parcels that were highly susceptible to mountain pine beetle (MPB) infestation and directly adjacent to residential areas. The project area is located in and around the TOB, Farmers Korner subdivision, and the County Commons (County office buildings and hospital). The targeted parcels that the Town and County have been working on include F&D Placer, Discovery Hill Tract D, Highlands 3/Summit Estates, Woods Road/Pence Miller, Lomax Placer, Iowa Hill, Corkscrew, Barney Ford Woods, Moonstone, Blue Danube and the County Commons. This project involves the removal of all dead, infested and susceptible lodgepole pine trees in an effort to create fuel breaks between the more backcountry areas of the Golden Horseshoe and the residential subdivisions. Management actions will include the removing and disposing of standing and downed timber in a fire break configuration, piling of some slash for future prescribed burning by the RWB, and lopping and scattering where appropriate. Lodgepole pines will be targeted for removal, while understory spruce, fir, and aspens will be retained.

In January of 2011 The Town of Breckenridge and Summit County applied for a Colorado Forest Restoration matching grant of \$150,000. The goal of this project is to implement fuels reduction, forest health improvements, fire breaks and watershed protection on approximately 101 acres of Town of Breckenridge and Summit County owned open space lands (3.2 acres of County land, 9.5 acres of TOB land, and 88.4 acres of jointly owned land), located adjacent to residential lots and public infrastructure. The project area is located in and around the TOB, Summit Cove, and the Golden Horseshoe. All projects are located upstream of Dillon Reservoir, Denver's primary water source, and Colorado River headwaters. The Grant funds will be used to remove targeted trees from the following TOB and County owned parcels: Dry Gulch-37 acres, Fishhook-3.2 acres, Corkscrew Flats-7.1 acres, Trappers Glen-2.4 acres, Detroit Placer-29.6 acres, and Rac Jac Way-21.8 acres, for a total of approximately 101 acres. We have also recently adopted the revised landscaping policy, with new guidelines to come.

Gary Green (RWB Fire Chief): Happy with the local and state cooperation. Wildfire is low incident, but very high risk. Work done so far has earned regional and national recognition. Town and staff should be very proud to be on the cutting edge of wildfire preparedness.

Kim Scott (Captain, RWB): It is getting greener here as result of the cuts we've done. It's a package of fire protection, watershed protection, etc. Unique issues here with one road out of town. Education is sometimes face to face, sometimes with HOAs, realtors, insurance companies, etc. We try to work closely with HOAs to address insurance company concerns. We want to educate people of the whole picture for the community, not just their own property.

*Commissioner Questions / Comments:*

Ms. Dudley: The issue of insurance companies may be an concern that the Town Council wants to address on a national issue. Perhaps a letter to someone in Washington, DC? Could you explain about the forest cuts adjacent to forest service? (Capt. Scott: It's probably 2012-2013 before we can get action from the forest service.)

Mr. Schroder: The projection is that all mature pines will die within the decade. There will be a slow down.

Mr. Pringle: Kim, do have any data about lower insurance rates for those who have complied with defensible space? (Capt. Scott: Insurance companies use zip codes, they don't seem to care or know if you have complied. They are not well educated. We've been trying to educate insurance companies.

It's really up to the agent to work on behalf of the homeowner. A lot of the fear of insurance companies is coming from their experience in Boulder/Four Mile Canyon. Some owners are being dropped by their insurance company without even getting much advanced notice.) (Chief Green: It's important to work with your insurance agent to see if rates can be adjusted.) Have pine beetles slowed down? It seems like it was spreading at a regular rate, and then dropped off. (Chief Green: I am interested to see if the extremely low temperatures will have an impact.) (Capt. Scott: It seems to be heading toward the Front Range. I can get that information for you.) (Mr. Grosshuesch: Paul Cada from Forest Service said that we are at the upper elevation reaches of the pine beetle. We also had a few good years of moisture, which has helped. There could also be a lull because some are staying in trees for two seasons. But it did slow down last year, and no one has an explanation for it. ) Has anybody gone back to Barton Creek to see how the forest has regenerated over the past 20 years? (Mr. Allen: Its one of the most diverse forests in the county.) Maybe we should be more proactive in the future about clear cuts and forest management. It may be a good idea to take staff and the Commission on a field trip to see where prescriptive burns have been used. It has come back with good wildlife.

Mr. Burke: How do we know that all 58 property owners have complied? Does staff go out to verify this? (Mr. Thompson: Yes, we do inspections.) To RWB: Will we do anything different this year to educate the public? (Capt. Scott: People were concerned about the mandatory ordinance, maybe that's why we got more participation.). What can Town do to bring attention to this without raising concern? (Mr. Grosshuesch: Ongoing education efforts with defensible space.) (Capt. Scott: We are looking for a variety of media sources. It could be through the water bills. (Ms. Cram: Kim DiLallo and I are working together on this aspect of education.) (Capt. Scott: We are open to other ideas for education.)

#### ***TOWN COUNCIL REPORT:***

Mr. Burke: There was a moratorium on vendor carts. Part of the concern is that there is not a consensus of what the rules should be. Concern is that we would get a lot of new applications, since this has been an agenda topic and people may be getting ready to submit applications. Council will also allow free basement density for commercial landmarked buildings, as an incentive. (Mr. Wolfe: I understand that the Council wants to allow more use of fiber cement siding. Was this a philosophical change? Don't we still want rustic mountain architecture? (Mr. Pringle: This will change the character of the town. Will people be allowed to paint their house bright colors? All we can regulate is chroma and intensity. Now we will see more solid body stains.) (Ms. Christopher: In my experience, this will weed itself out. There may be a few cases that are not what we like, but it usually takes care of itself.)

#### ***PRELIMINARY HEARINGS:***

1. The Elk Mixed Use Building (MM) PC#2011001; 105 North Main Street

Mr. Mosher presented an application to construct a 3,015 square foot mixed use building with commercial/retail and workforce housing uses. The commercial/retail use occurs on the front portion of the site on three levels (one below grade). The residential workforce housing will be below grade at the back portion of the site. There will be an attached garage for the residential use. This proposal was heard as a worksession on November 2, 2010. At that time, the applicant and agent were seeking to closely replicate the historic Elk Hotel building, based on a photo. After that worksession the proposal was abandoned. This proposal is to replicate the building massing and form from Main Street, with the proposed east elevation conforming to a commercial/retail appearance rather than the historic hotel.

Prior to buying this property (by the applicant or the neighbor to the north) there was a parking and snow stacking easement recorded, which was also approved by the Town. It stated that all parking and snow stacking met town codes up to build-out of the property. The easement goes past the property line, onto the Gold Pan property. The proposed building encroaches into the parking easement, which the Town Attorney has stated is OK. But we will not recognize the parking off the property. 65% commercial and 35% residential are proposed. Residential is below grade in the rear.

The character of the old Elk Hotel was more residential. This building has a commercial character on the lower level, which is consistent with the historic use on the south side of this character area. Density is over 9 UPA, with negative points. Average module size should be less than 1,400 square feet. The two modules are broken up with a flat roof connector. Mr. Mosher read from policy 80A in the Handbook of Design Standards, on module size and dimensions. “Connector links should be used to link smaller modules.” Mr. Mosher showed graphically how a change could be made to these plans.

Outbuilding should be more rustic in character, less detail than what is shown on the plans. The main building is one and one-half story tall, but covered porch brings the scale down along the Main Street elevation. The proposed building materials include cut stone, like on Struve Building (122 S. Main Street). North elevation, stone is very tall, should be changed to look like an accent or foundation. It might confuse the historic character if stone was allowed too tall. Staff would like to see both bay windows come off the proposal since this is a commercial building, not residential. The railing on flat roof portion should be simplified to be in better compliance with Historic District designs. Only two dormers are proposed on the main building.

On the plans, the building are dimensioned at the recommended relative setbacks, but measured to the foundation, not to the roof overhang. Eaves should be measured for setbacks. As drawn, there would be negative six (-6) points incurred. (Mr. Pringle: Where do we allow eave encroachments?) That is in the absolute Policy 9, not the relative portion. Mid-block connection will be paid for and constructed by the applicant on both properties (Lots 79 and 80), with neighbor’s approval. Applicant will build the walkway and landscape it, and get positive points. The site has 11% permeable space, but the dimensions and areas are too small to qualify as open space as defined in the Code. Any open space must be five feet minimum in any direction, and at least 50 square feet, to qualify. Therefore, no open space is provided. That would mean -6 points are incurred. Staff has three suggestions: One option to help mitigate this is to seek positive points under the newly adopted Energy Policy. This is our preferred option as it is how the Code functions. Another option is to reduce the building footprint to obtain the needed open space. The last option, and the most difficult to justify, is to provide open space in the future, when Riverwalk is expanded behind this property, and this on-site parking could go into Parking Service Area (thus becoming open space). But we don’t know if or when the Riverwalk expansion would happen. (Mr. Pringle: Could there be a covenant we could get to ensure this provision of open space in the future that runs with the land?) Yes, but Town Attorney and Staff are uncomfortable with that route.

Two bedroom employee housing unit proposed on lower level. Drainage information will be provided at last meeting.

#### **Staff Recommendation**

With this property (and the neighboring lot) sharing a parking/snow stacking agreement, the development of the property has inherent site restrictions and parking / snow stacking benefits to the properties.

Overall, Staff believes the Applicant is off to a good start on creating a viable infill project along this portion of Main Street. Staff had the following questions for the Commission:

1. Did the Commission support the breakup of the module sizes?
2. Did the Commission believe the one-story flat roof portion of the building would be adequately hidden from public view?
3. Did the Commission support the massing and form (main structure and outbuilding) as shown on the plans?
4. Did the Commission support Staff’s interpretation on lessening the detail on the outbuilding?
5. Did the Commission believe the bay windows should be removed from the commercial building?
6. Of the three options Staff described regarding open space, did the Commission have comments on the preferred option?

We would also like comment on the proposed concept of the connector element not literally following the Priority Policy 80/A.

Janet Sutterley, Architect and Agent: I want to review the changes from last year's worksession. The front module size is down to 1,195 sq. ft. We originally wanted the above ground density up to the maximum 12 UPA, but reduced that, which also reduced the negative points incurred. It was suggested by the Commission that we reduce the overall height of the main building, so we dropped it by 16 inches. We also abandoned any planned historic replication and chose to follow the massing of the historic structure instead. I see all of the issues (questions) listed at the back of the report as similar issues.

As for the required link as described under Policy 80/A, the purpose of a link is to separate larger modules, to reduce mass and scale. Yes, a flat roof is proposed on the plans, but a portion is also an upper level deck between the modules. It's a useful space. I was not looking at it so much as a flat roof, but as a useable space. Links are also used on historic structures to protect and expose as much historic fabric as possible, but this is new construction in this case. We will still have the minimum two foot setback to the connector on the north side of the connector link, and it will be seen from the walkway. On the south side, it requires a site specific solution since this abuts a two-story tall flat wall. In this case a literal interpretation is contrived and does not function. It would lead to a dark space where people could hang out and do "things". It will have to be fenced off anyway to discourage pedestrian activity in the space. It will be dark, icy, and plants won't grow. It makes more sense to treat link as I have proposed, filling in against the property line.

We stepped back the south front corner of building to maintain visibility of the historic window at the Gold Pan (NE corner). Behind the Gold Pan and past the edge of the building, we maintain natural light to window well of the employee housing unit below. There is plenty of past precedent for not having literal link: The Bailey Building (Welcome Center), Starbucks, and most notably, the neighboring building (to the north). In each case, those were site specific solutions. One project where the link criteria is the recently approved McAdoo building. But that was on a footprint lot within a master plan. And most importantly, the sides of the building could be seen from all angles of the lot. This should be on a "case by case" basis, but a literal link is not appropriate on this project.

My real hot button is the open space requirement. We have 11.3% permeable area on the site. Since none of this qualifies as open space, we have been told the proposal will receive negative six (-6) points. I looked at recent projects around Town and specifically in the Historic Commercial Core. This issue has been dealt with in a loose manner. Open space and permeable space have been lumped together. None of the projects I reviewed followed this definition. (Ms. Sutterley discussed some of these projects.) Would like the Commission to consider this. We do have some open space areas. I feel like our 11.3% should be at least partially counted. I am inclined to support -3 points, not -6 points.

Ms. Sutterley then discussed the roof overhang encroachments.

Items 4 and 5 from the staff report are easy to address. Dealing with bay windows and stone, as well as the detailing on the outbuilding can be addressed at the next hearing. One example of the level of detail wanted on the garage is the ornate trim on the stable behind the Brown Hotel. We are re-thinking the use of the stone. We want to have something interesting to look at as pedestrians walk through the site between Lots 79 and 80. We are supposed to be a residential character, and residential buildings did have bay windows. (Mr. Mosher noted that this character area is both residential and commercial with commercial uses historically seen on the south end of this area, where this development is proposed.)

Mr. Grosshuesch: When you look at the first floor, it's a commercial character on the building. If you used a form based approach, the bay window would apply, since the character would be residential. But this is a commercial use with a gable and dormers. But the front of the building is commercial. It's confusing as to what this building is trying to be.

*Commissioner Questions / Comments:*

Ms. Dudney: Seems like there are many issues with this application: The overhang, the open space, the connector design, bay windows, and the quantity of stone siding. Is the connector policy an Absolute Policy? (Mr. Mosher: Yes.) Is there any precedent for public safety reasons to not require the link? (Mr. Mosher: there have been a few.) Is there any way to get less than -6 points for open space? Ms. Dudney asked about the letter from Mr. Reggie Gray of the Gold Pan. (Staff clarified his concerns about the potential water damage and unwanted foot-traffic with a

traditional link against his north building wall.)

*Final Comments:* The connector link issue is not an issue and meets the intent. Convinced by what Janet has said, for public safety, that the southern portion should be filled in. Neighbor supports this design, and there is some precedent at a similar situation at the Welcome Center. Support the connector as designed. Open space is subjective, -3 or -6 points. Applicant is making an effort to make an “open-space” walkway through site attractive and landscaped. The bay windows: anything designed by a committee is not very good. I don’t have problem with the one bay window on the north side. However, I respect both Ms. Sutterley’s and Mr. Mosher’s opinions. Staff questions: #1: Fine as is. #2 Flat roof is fine, #4: Detail is non issue. Open space, -3 points.

Ms. Christopher: Would you move the north side of the building to affect setbacks and the 2-foot link requirement? (Ms. Sutterley: It just affects the garage. Garage would move about one foot north increasing the offset. Part of the walkway would be at the edge of the north property line.

*Final Comments:* Appreciate changes from the worksession. I don’t support the flat roof and believe it is too visible. 2 feet of space between buildings bothers me. Agree with Mr. Schroder, that a classic “dumbbell” connector design is what we should stick to. If this doesn’t always work, as you suggested, maybe we need to change code in future to address these situations. Covered porch is not visible from the street; it’s the front portion I have an issue with. Detailing is something we can discuss in the future. Bay windows, I agree with Mr. Pringle. North and east elevations don’t match as a residential and commercial look. I don’t mind seeing them, but they do not go along with commercial nature of the front of the building, appreciate the permeable space that has been provided and the walkway, so maybe -3 instead of -6 points. #1 for the last option on open space points.

Mr. Schroder: Final Comments: I have a problem with the fact that the connector requirement is an absolute policy. I disagree that the link as presented meets the intent, given its abutment to the Gold Pan, and problems with ice. As shown is the way it should be. I think the policy is wrong in this case though. Perhaps staff could address this with precedent. Support roof flat portion as presented. Bay window: The change of character areas (from Commercial Core to this one) occurs at north side of the Gold Pan building. I’m ok with the bay window on the north side of this building. I like the way the bay window works, because we are in a transition between two different Character Areas. Support Option #1, negative points, on the open space solution. I would support -3 points on open space, because this is close to the open space requirement.

Mr. Wolfe: The commercial buildings you are referring to in your examples of link situations have only 2 foot separations of the sides. What I liked the most about this building when it first came in was the transition from commercial to residential. That’s why I have less issue with the bay window on the north side. Would the entire link be visible? Could the project be approved if it did not meet Policy 80A? (Mr. Mosher: No, it’s a Priority Policy and therefore an absolute policy under Policy 5, unless it’s determined by the Commission to not apply or it has met the intent of the Policy.)

*Final Comments:* Supports items #1, 2, 3 with adjustment to garage. #4 is a non issue. #5: Agree with Mr. Butler: Bay window on the north side adds some commercial interest. I support taking bay window off on street side. Support removing bay window on the north, or make the building look more commercial. My biggest issue is on open space. There is a purpose for having the open space. I don’t support Option #3 on the concept of the expansion of the Riverwalk. There must be a better way to solve the open space issue.

Mr. Butler: What if parking is permeable? Would it count as open space? (Mr. Neubecker: No, it’s more than an issue of permeability; it’s a question of use of the open space for recreation and plantings, etc.).

*Final Comments:* OK on #1, 2, 3. On #5, commercial character of that block, I’d rather see the façade lean toward commercial. I’d rather let go of the bay window on the north side, for the sake of the commercial use. It was a good transition from Gold Pan. In favor of -3 points for open space with staff support.

Mr. Pringle: Do you think that the objective of having a link is met, even though the literal requirement may not be met? (Mosher: This is an absolute policy and we have some precedent of the Commission



supporting some deviation in some cases. It is really up to the Commission to decide. There is some benefit to the Gold Pan to have the flat roof, to avoid water/ice damage and foot traffic.) Is there a way to close off the area for public safety? (Ms. Sutterley: Reggie Gray is thinking of ways to stabilize the Gold Pan before or during construction of this building.)

Final Comments: Support #1, 2 and 3 as shown. There is benefit to using the link as shown. We achieve the goal on the north side. #4: You need to work out how much detail is right. #5, if we can strengthen the residential look from the front...then bay windows is appropriate. As shown it lends itself to commercial look in the front, in which case the bay window is not appropriate. Don't think you should get -6 points, but points should be consistent with how points have been allocated in the past. Try to craft a covenant so that if the Town does expand Riverwalk, future owner is compelled to cooperate.

Mr. Allen: Are you open to this idea of a covenant for the parking to become open space in the future? (Ms. Sutterley: Yes, my client and the neighboring property owner are open to this idea.) (Mr. Mosher: Please note that even if the parking is removed, all residential parking is required to remain on site. So, we'll still see a driveway and garage on this site.) Mr. Mosher: Will you please read the entire Policy 80A on connector links to the Commission? (Mr. Mosher read the policy.) To Ms. Sutterley - Please explain how roof water will not drain to the south, toward Gold Pan. (Ms. Sutterley showed how the drainage and roofs will work.) To Mr. Mosher - Please explain Policy 99 (confusing historic character) with the bay window proposals. (Mr. Mosher: In this historic character area, and for that matter all historic character areas, bay windows were only seen on residences, not on commercial buildings. We have no historic commercial structures with bay windows. Buildings in this portion of the character area were originally commercial uses. There are residential structures to the north with bay windows.) What is the code trying to replicate here? Commercial or residential character? (Mr. Mosher - We believe this block is commercial.)  
*Final Comments:* Agree with Mr. Wolfe about the open space, but the north side open space should be counted. I don't think 11% permeable counts as "open space". Not meeting the intent of providing open space. I like the intent on not providing an "opium den" on the south side by following the link definition exactly. But the code says connector must be two-thirds the size of the modules to be connected. Bay windows, agree 100% with Mr. Pringle - either a residential look or a commercial look, not both. Staff questions - #1: Support. #2: Flat roof is hidden from public view. Still hung up on policy 198, which states that primary facades should be 1 – 1.5 stories tall, and if taller should be set back. Not sure that you meet policy 198.

Public Comment: Jeff Palomo (owner of neighboring building to north): I have comments on the open space and parking at the rear. I'll wait until this issue is developed further. On-site parking is very valuable to our property. But what is the compensation if it is removed?

**OTHER MATTERS:**

Mr. Neubecker presented a summary of the Saving Places Historic Preservation Conference, held February 2-5, 2011. All Commissioners who attended found the conference very valuable.

*Commissioner Comments:*

Mr. Christopher: It was a great jump start for being new. I also think that the Ski Town Forum was my favorite. We were surrounded by other people with similar issues. It was a good way to learn about our peers.

Mr. Butler: I really liked it. It sounded dry when I signed up, but glad that I went.

Mr. Neubecker presented a memo summarizing the Vendor Cart moratorium recently passed by Town Council. No applications for Vendor Carts will be accepted for one year (until February 8, 2012), unless Policy 36A is updated first.

**ADJOURNMENT:**

The meeting was adjourned at 10:10 pm.

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Rodney Allen, Chair



COMMUNITY DEVELOPMENT

### Class C Development Review Check List

**Project Name/PC#:** Hester Residence PC#2011004  
**Project Manager:** Matt Thompson, AICP  
**Date of Report:** February 23, 2011 For the 03/01/2011 Planning Commission Meeting  
**Applicant/Owner:** Jim and Vanessa Hester  
**Agent:** Allen-Guerra Design-Build, Inc.  
**Proposed Use:** Single family residence  
**Address:** 432 Golden Age Drive  
**Legal Description:** Lot 57, Highlands, Filing 10  
**Site Area:** 127,195 sq. ft. 2.92 acres  
**Land Use District (2A/2R):** 6: Subject to the Delaware Flats Master Plan  
**Existing Site Conditions:** The lot slopes steeply uphill at 16% from the front of the lot towards the rear of the property. The lot is heavily covered in moderately sized lodgepole pine trees. There is a 10' snowstack easement along Golden Age Drive and Peabody Terrace.

**Density (3A/3R):** Allowed: unlimited Proposed: 4,809 sq. ft.  
**Mass (4R):** Allowed: unlimited Proposed: 7,143 sq. ft.  
**F.A.R.:** 1:17.80 FAR  
**Areas:**  
**Lower Level:** 1,352 sq. ft.  
**Main Level:** 2,740 sq. ft.  
**Upper Level:** 883 sq. ft.  
**Garage:** 2,168 sq. ft.  
**Total:** 7,143 sq. ft.

**Bedrooms:** 4 + 1 office  
**Bathrooms:** 4.5  
**Height (6A/6R):** 34'8"  
(Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
Building / non-Permeable: 7,953 sq. ft. 6.25%  
Hard Surface / non-Permeable: 4,264 sq. ft. 3.35%  
Open Space / Permeable: 114,978 sq. ft. 90.40%

**Parking (18A/18R):**  
Required: 2 spaces  
Proposed: 6 spaces

**Snowstack (13A/13R):**  
Required: 1,066 sq. ft. (25% of paved surfaces)  
Proposed: 1,200 sq. ft. (28.14% of paved surfaces)

**Fireplaces (30A/30R):** 5 gas

**Accessory Apartment:** N/A

**Building/Disturbance Envelope?** Disturbance envelope

**Setbacks (9A/9R):**  
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:** Fascia is rough sawn 2x cedar, soffit is rough sawn 1x6 tongue and groove cedar, horizontal siding is 2x12 hand hew cedar siding with 1" tan chinking, vertical siding is 1x6 and 1x10 rough sawn cedar board on board, window and door frames are black, door and window trim is 2x and 3x cedar.  
**Roof:** 50-year Tamko asphalt shingles and dark bronze metal roof  
**Garage Doors:** To match vertical siding on proposed residence

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

Planting Type	Quantity	Size
Colorado Spruce	15	(3) 8', (3) 10', (3) 12', (6) 14'
Aspen	20	(8) 1.5" , (12) 2" min. caliper
Alpine currant and woods rose	35	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 awarded positive two (+2) points under Policy 22: Landscaping for a plan that has some public benefit. Staff found no reason to warrant negative points for this application.

**Staff Action:** Staff has approved the Hester Residence, PC#2011004, located at 432 Golden Age Drive, Lot 57, Highlands, Filing 10, with the standard findings and conditions.

**Comments:**

**Additional Conditions of Approval:**

**Final Hearing Impact Analysis**

Project: Hester Residence  
 PC#: 2011004  
 Date: 02/24/2011  
 Staff: Matt Thompson, AICP

**Positive Points +2**  
**Negative Points 0**  
**Total Allocation: +2**

Items left blank are either not applicable or have no comment

Sect.	Policy	Range	Points	Comments
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2+2)		

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

## TOWN OF BRECKENRIDGE

Hester Residence  
Lot 57, Highlands, Filing 10  
432 Golden Age Drive  
PC#2011004

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

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### 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 **February 23, 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 **March 1, 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 **September 8, 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 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. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property, to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.
21. Applicant shall install construction fencing in a manner acceptable to the Town Planning Department.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

22. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
23. 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.
24. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
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. 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)



201 BOULVARD  
BRECKENRIDGE, COLORADO, 80424  
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HESTER RESIDENCE  
LOT 57 FILING TO THE HIGHLANDS @ BRECKENRIDGE  
BRECKENRIDGE, COLORADO

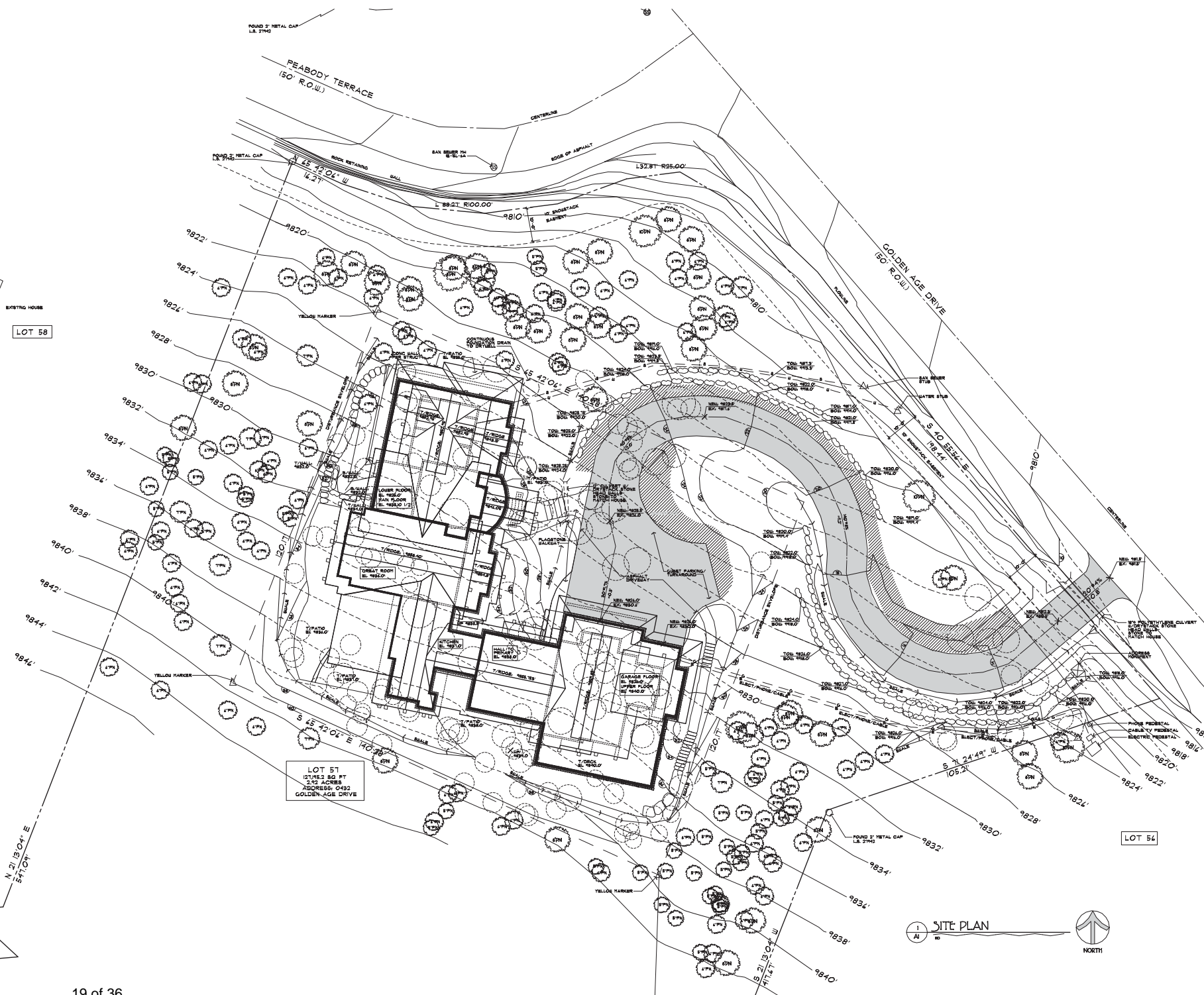
SITE PLAN

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ISSUE	DATE
HCA	4 FEB 2011
PLANNING	14 FEB 2011

PROJECT # 028

AI



1 SITE PLAN





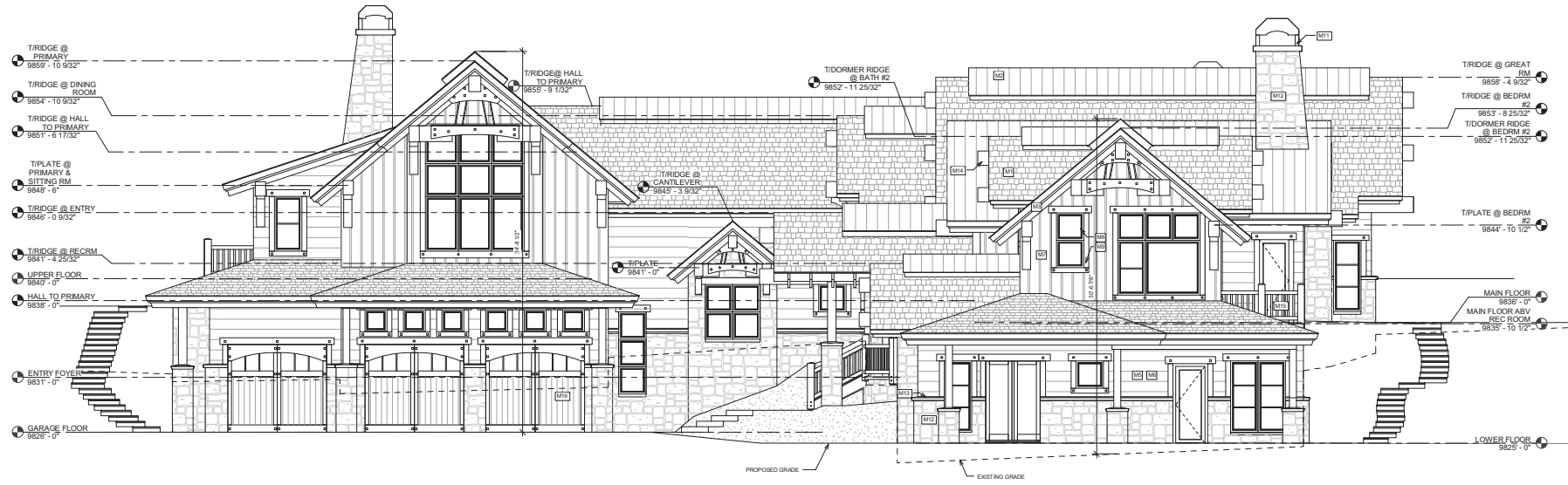
PO BOX 7608  
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HESTER RESIDENCE  
LOT 57, FILING 10, THE HIGHLANDS @ BRECKENRIDGE, BRECKENRIDGE, COLORADO  
NORTH AND EAST ELEVATIONS

ISSUE	DATE
ISSA	4/15/2010
PLANNING	8/10/2010

PROJECT: 102

A5



1 NORTH ELEVATION  
1/4" = 1'-0"



2 EAST ELEVATION  
1/4" = 1'-0"





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## MEMORANDUM

**TO:** Planning Commission

**FROM:** Chris Neubecker

**DATE:** February 23, 2011

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

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On December 14, 2010 the Town Council expressed concern with the current Development Code policy on Fences, Privacy Gates and Gateway Entrance Monuments, and directed the Staff to modify the policy. The concern included the required fence material for swimming pools and hot tubs, plus the use of archways over driveways. Staff proposes several changes to this policy, including removing the language about chain link fencing near pools and other outdoor recreation areas. We have also taken this opportunity to propose other revisions we believe are warranted, and based on input from the Planning Commission on January 18, 2011. Following is a summary of some of the proposed changes to the fence policy:

- Fences at swimming pools and spas could be constructed of steel, aluminum or wood. Chain link fencing would be prohibited in these areas.
- Chain link fencing would still be allowed at ball fields and tennis courts.
- Fencing would be allowed at parking lots to protect pedestrians and designate drive aisles. (For example: The split rail fence in the South Gondola Lot, near the skier drop-off.)
- Where fences are required by law, the Planning Commission may approve a fence that does not meet the Handbook of Design Standards for the Historic and Conservation District.
- Privacy fences around hot tubs within fifty (50) feet of a right-of-way would be allowed. (They are currently prohibited).
- Fencing would be allowed around utility equipment.
- Fences around self-storage warehouses would also be allowed, up to six feet (6') tall.

There was also a question about the height of various subdivision entry monuments in town. The entry monument at the Corkscrew Subdivision is 9 feet tall. The Sunbeam Estates entry monument is 6'6" tall.

We have attached a draft of the revisions proposed by staff. We believe that with these changes this policy is ready to go to the Town Council for their review. We welcome input from the Commission on the direction we are headed with this policy, and if any changes are needed.

**Proposed Changes to Policy 47 (Absolute):**  
**Fences, Gates and Gateway Entrance Monuments**

For Planning Commission meeting of March 1, 2011  
Staff Planner: Chris Neubecker

New language proposed is shown in **bold**. Language proposed for removal is shown in ~~strikethrough~~.

**47: (ABSOLUTE) FENCES, GATES AND GATEWAY ENTRANCE MONUMENTS (47/A):**

A. General Statement: The welfare of the Town is based to a great extent on the character of the community, which includes natural terrain, open spaces, wildlife corridors and wooded hillsides. The installation of fences and privacy gates **in residential areas** can erode this character by impeding views, hindering wildlife movement and creating the image of a closed, unwelcoming community. It is the intent of the Town to prohibit fences in most situations in areas outside of the Conservation District in order to: maintain the open, natural and wooded alpine character of the community; ~~to~~ establish mandatory requirements for the erection of allowed fences in other parts of the Town; ~~to~~ allow for fences on small lots in master planned communities; ~~to~~ regulate the design of gateway entrance monuments; ~~and to~~ **and** prohibit privacy gates anywhere within the Town.

B. Within the Conservation District: Fences within the Conservation District shall be reviewed under the criteria of the "Handbook of Design Standards for the Historic and Conservation District". **Where fences are required by law and the required fence design does not meet the Handbook of Design Standards, the Planning Commission may approve an alternate design if all of the following required criteria are met: 1.) the project as a whole is in substantial compliance with the Handbook of Design Standards for the Historic and Conservation Districts; 2.) the alternate fence design does not have a significant negative aesthetic impact on the development and it complies as much as feasible with the Handbook of Design Standards; 3.) a fence design that meets the Handbook of Design Standards for the Historic and Conservation Districts could not meet the design required by law.**

C. Outside the Conservation District: Fences and landscape walls are prohibited outside the Conservation District, except the following fences are permitted when constructed in accordance with the design standards described in section D of this policy:

1. pet fences;
2. fences around children's play areas;
3. fences around ball fields, tennis courts, swimming pools, **ski lifts** or other outdoor recreation areas;
4. construction fences;

5. temporary fences used for crowd control or to limit access or egress to or from a short-term special event;
6. fencing required by law;
7. privacy fencing to screen hot tubs;
8. fencing around cemeteries; ~~and~~
9. fences specifically authorized in a vested master plan containing specific fence design standards;
10. Town fences to delineate public trails or protect open space values;
11. fencing at public improvement projects proposed by the town;
12. private fences to delineate the boundary between private land and a public trail or public open space, but only if authorized by a variance granted pursuant to section K of this policy;
13. **fencing at parking lots to protect pedestrians and designate crosswalks;**
14. **fencing at self-storage warehouses;**
15. **fences around utility equipment.**

D. Design Standards for fences: All fencing outside the Conservation District shall comply with the following design standards:

1. Fences in residential areas shall be constructed of natural materials, and shall be either a split rail, buck-and-rail, or log fence design because such designs have a natural appearance, blend well into the natural terrain, and have an open character. Fences of other materials or designs are prohibited. (Exception: Where an applicant can demonstrate to the satisfaction of the Town that an alternative material would be indistinguishable from natural materials, **or where other materials are required by law**, the Town may authorize such materials.) Fences in residential areas shall have a maximum solid to void ratio of 1:3 (example: one inch of solid material for every three inches of opening.) Solid privacy fences are prohibited, except for short lengths of fencing used to screen hot tubs, if they comply with Section D7 of this policy.
2. ~~Smooth-cut timbers are prohibited.~~ PVC, vinyl and plastic fences are prohibited. Rough sawn timbers or natural logs are ~~allowed~~ **preferred**.
3. Pet fences shall be located in a rear or side yard or where the fence is not visible from a public right-of-way. Pet fences shall be located to minimize their visibility to the greatest extent possible, which in most instances will require the fence to be located behind or to the side of a structure. Pet fences may incorporate a wire mesh material to control pets. The wire mesh may be on the vertical portions of the fence, or may extend horizontally over the top of the enclosed pet area, or both. The maximum area of a fenced pet enclosure shall be 400 square feet. Pet fences are limited to fifty-four (54) inches in height, and shall have a maximum solid to void ratio of 1:3.
4. Fences around children's play areas shall be located in a rear or side yard where possible, or where the fence is not visible from a public right-of-way, which in most instances will require the fence to be located behind or to the side of a structure. The fence may incorporate a wire mesh material to enclose the yard. The maximum area of a fenced children's play area on private property shall be



400 square feet. Fences around children's play areas are limited to fifty-four (54) inches in height, and shall have a maximum solid to void ratio of 1:3. **Fencing at state licensed child-care centers may exceed 400 square feet if required by their state license.**

5. Fences around ball fields, tennis courts, ~~swimming pools~~, or other outdoor recreation areas ~~shall~~ **may** use black or dark green coated chain link fencing, **steel or aluminum, or wood**. 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.
6. **Fences at outdoor swimming pools shall be constructed of steel or aluminum tubing (square or round) or wood. Chain link fencing is prohibited.**
7. **Fencing at ski lifts and gondolas may be used to protect pedestrians and skiers from overhead lifts and mechanical equipment, or to delineate passenger loading zones. Such fencing may be constructed of natural materials, such as split rail wood, or steel or aluminum. Chain link and plastic or PVC fencing is prohibited.**
8. Construction fencing may be constructed of plastic, chain link, **wood** or other material, as approved by the Town. Wind **and/or** privacy screens may be incorporated into the construction fence. Temporary construction fencing shall be removed upon completion of the project or upon issuance of a Certificate of Occupancy or Certificate of Compliance, where applicable.
9. ~~Privacy fencing around hot tubs may only be used where the fence will not be nearer than fifty (50) feet from a public right-of-way.~~ Privacy fences **around hot tubs and spas** shall not exceed six feet (6') in height and **shall** not exceed fifteen feet (15') in length. **Such fences shall be architecturally compatible with the adjacent buildings. Landscaping may be required at privacy fencing to soften the visual impact of the fence, where highly visible.**
10. Fencing around cemeteries is exempt from this ordinance. The design of cemetery fencing is encouraged to emulate historic fencing from local cemeteries and follow the fence policy in the "Handbook of Design Standards for the Historic and Conservations Districts". ~~These~~ **Historically** fences were generally constructed of wrought iron, cast iron, or wood pickets, and were generally about three feet (3') tall.
11. Where fences are specifically authorized in a vested master plan containing specific fence design standards, the design standards of the master plan shall govern the fence design.
12. Fences approved by the Town to delineate public trails or protect open spaces shall be constructed of natural materials, and shall be either a split rail, buck-and-rail, or log fence design because such designs have a natural appearance, blend well into the natural terrain, and have an open character. These fences should be designed to accommodate wildlife, and may be substantially different from fences on residential or commercial properties, due to the unique needs and goals of public trails and open spaces.
13. ~~Fences at public improvement projects proposed by the town are exempt from these regulations. However, every attempt shall be made to incorporate the criteria listed above, where practical.~~

[p1]

14. **Fences in parking lots may be allowed when necessary to delineate pedestrian areas from parking and circulation areas, and to designate drive aisles. The design of fences in parking lots shall reflect the surrounding character of the neighborhood. Within the Conservation District, fences shall reflect the character of historic fences. Outside the Conservation District natural materials and greater openings between rails shall be used to reflect the more open and natural character of the neighborhood. In most cases, split rail fences will be most appropriate.** [p2]
  15. **Fences at self-storage warehouses shall not exceed six (6) feet in height, and shall be designed to allow visibility through the fence. Such fences shall be designed with a maximum solid to void ratio of 1:3, shall be constructed of steel, aluminum or wood, and may be painted. Chain link fencing is prohibited. Self-storage warehouses may incorporate a gate to control access to the site, notwithstanding Section H of this policy.**
  16. **Fencing around utility equipment shall not exceed six (6) feet tall. Such fencing may be constructed of chain link, metal, or wood.**
- E. **Site Plan; Survey:** A site plan showing the location of existing structures, property lines, and the location of the proposed fence may be required by the Director as part of the submittal requirements for a fence. A survey from a Colorado licensed surveyor may also be required by the Director to verify property lines **and easements**.
  - F. **Architectural Specifications:** Architectural elevations showing the design, material, color, and size of the proposed fence may be required by the Director as part of the submittal requirements for a fence.
  - G. **Fences on Easements:** If a fence crosses an easement, the fence shall not interfere with the use of the easement.
  - H. **Privacy gates:** Privacy gates are prohibited anywhere within the Town.
  - I. This policy shall not apply to any fence to be constructed upon land that is subject to a vested master plan containing specific fence design standards and criteria. The construction of such fence shall be governed by the applicable design standards and criteria contained in the master plan.
  - J. **Gateway Entrance Monuments:** Gateway entrance monuments within the Conservation District are prohibited. Outside the Conservation District, gateway entrance monuments may be allowed only when they meet the following criteria:
    - a. Gateway entrance monuments shall be permitted only for residential subdivisions of five (5) or more lots, and for hotels and condominiums located outside of the Conservation District. Such gateway entrance monuments shall not exceed ~~eight feet (8')~~ **ten feet (10')** [p3] in height, and shall not exceed twenty feet (20') in length. One (1) monument is allowed to either side of the road **or driveway** at the

entrance to the subdivision, with up to two (2) monuments total at each **vehicular** entrance to the subdivision. Entry monuments shall not be constructed in the public right-of-way. Such entrance monuments shall be constructed of natural materials, such as stone and/or wood, and may incorporate the subdivision entrance sign, under a separate permit. ~~Gateway entrance monuments shall not incorporate an arch or other structure over the road.~~ **Gateway entrance monuments at hotels, condo-hotels and commercial properties may incorporate an arch feature over the private road or driveway, but such arches are prohibited in other residential projects.** Privacy gates shall not be incorporated into the gateway entrance monument.

- b. Gateway entrance monuments at private residences shall not exceed ~~five feet (5')~~ **six feet (6')** in height, and shall not exceed a footprint of ten (10) square feet in ground area. One (1) monument is allowed on either side of the driveway at the entrance to the property, with up to two (2) monuments total at the entrance. Entry monuments shall not be constructed in the public right-of-way. Such entrance monuments shall be constructed of natural materials, such as stone and/or wood, and may incorporate the residence name or street address **and light fixtures.** Gateway entrance monuments shall not incorporate an arch or other structure over the road. Privacy gates shall not be incorporated into the gateway entrance monument.
  
- K. The planning commission or town council may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space by granting a variance from the limitations of this policy. A variance shall be granted under this subsection J only upon the written request of the applicant, and a finding that the applicant has satisfactorily demonstrated that: 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space; 2) the applicant's inability to erect the fence would present a hardship; and 3) the purposes of this policy will be adequately served by the granting of the variance. No variance shall have the effect of nullifying the intent and purpose of this policy. Section 9-1-11 of this chapter is not applicable to the granting of a variance to erect a private fence to delineate the boundary between private land and a public trail under this section.



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**MEMORANDUM**

**TO: Planning Commission**  
**FROM: Chris Neubecker**  
**DATE: February 24, 2011**  
**SUBJECT: Policy 30 – Air Quality**

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The Town’s current Development Code policy on air quality places limits the number of wood burning appliances based on land use type, as follows:

- Single Family Residential: 1 per unit, with zero allowed in accessory apartments
- Duplex and Townhouse: 1 per unit provided that internal space (density) is at least 1,500 square feet
- Multi-Unit Residential: 1 per floor in common area or lobby; zero allowed in individual units
- Restaurant or Bar: 1 per restaurant or bar, or restaurant/bar combined

All new wood burning appliances in residential units are required to meet or exceed EPA Phase II emission standards. Also, gas-burning fireplaces and stoves are allowed. Wood burning cooking appliances are prohibited, except one wood burning cooking appliance is allowed in a restaurant or bar, (and -2 points are assigned for wood burning cooking appliances in a restaurant/bar.)

Staff proposes to change the policy on the installation of wood burning fireplaces and stoves to allow existing fireplaces and wood burning stoves to be replaced with new EPA Phase II appliances, even if a fireplace or wood stove would not be allowed for new construction. We believe that allowing old, inefficient fireplaces and stoves to be replaced with cleaner burning EPA Phase II fireplaces and stoves will encourage owners of older appliances to upgrade. Otherwise, many of these old wood burning appliances will remain. Owners can already change to gas burning inserts, but in many cases gas is not available in the building, and it is unlikely that owners will voluntarily remove their wood burning fireplace.

Staff will have information on emissions from wood burning and gas burning appliances available during the meeting on Tuesday night. We will also research wood burning cooking appliances (such as pizza ovens) to see if they have improved since this policy was first adopted, and make recommendations if any changes are warranted to the current policy.

**Proposed Changes to Policy 30 (Absolute): Air Quality**

For Planning Commission meeting of March 1, 2011

Staff Planner: Chris Neubecker

[New language proposed is shown in **bold**. Language removed shown in ~~strikethrough~~.]

**30. (ABSOLUTE) AIR QUALITY (30/A):** Due to the effects of unregulated wood-burning appliances on the air quality of Breckenridge as the Town continues to grow, it is necessary to place limitations on the number of new wood-burning appliances in order to protect the quality of our air. In order to retain the quality of air present in Breckenridge the following Policy shall apply. Those projects that wish to provide additional fireplaces or stoves over and above those allowed here shall do so through the use of gas, electricity, or similar means.

A. The number of wood-burning appliances that may be installed in any project constructed or remodeled within the Town is hereby limited to the following:

(1) Single-Family Residential: One wood-burning appliance per dwelling unit. No wood-burning appliances shall be allowed in any accessory apartments.

(2) Duplex And Townhouse Residential: One wood-burning appliance per dwelling unit; provided, that each unit has one thousand five hundred (1,500) square feet or more of internal heated floor area. No wood-burning appliances shall be allowed in units with less than one thousand five hundred (1,500) square feet of internal heated floor area.

(3) Multi-Unit Residential: One wood-burning appliance per floor located in a lobby or common area containing greater than one thousand (1,000) square feet, with a maximum of two (2) per individual building. No such wood-burning appliances shall be allowed in dwelling units.

(4) Restaurant Or Bar: One wood-burning appliance per restaurant or bar, or restaurant/bar combined.

B. The installation of coal-burning appliances is prohibited.

C. The installation of a wood-burning appliance which does not meet or exceed any applicable emission standards promulgated by the United States Environmental Protection Agency is prohibited.

D. The installation of a wood-burning cooking appliance is prohibited except in a

restaurant or restaurant/bar combined; and not more than one wood-burning cooking appliance is permitted per restaurant or restaurant/bar combined.

E. No development shall cause directly or indirectly, either by itself or incrementally, a violation of the ambient air quality standards for the region as established from time to time by the Colorado Department of Health.

**F. Exceptions: Notwithstanding sub-section A above, in those instances where an existing wood burning appliance is proposed to be replaced with a new wood burning appliance which meets or exceeds the Environmental Protection Agency phase II emissions standards, the replacement wood burning appliance may be allowed even though wood burning appliances would not be allowed for new construction, and even though the property would contain more wood burning appliances than allowed by sub section A.**

### **30. (RELATIVE) AIR QUALITY (30/R):**

A. Where wood-burning appliances are permitted:

It is encouraged that all developments install alternative methods of heating, rather than wood-burning appliances. To encourage the use of alternative methods of heating, the following point analysis shall be utilized to evaluate how well a proposal meets this Policy:

0 The installation of a wood-burning appliance; or gas fireplace.

-2 The installation of a wood-burning cooking appliance in a restaurant or restaurant/bar combined.

2 x (0/+2)

B. Beyond the provisions of Policy 30 (Absolute) of this Section, other measures which are likely to reserve or enhance the quality of the air are encouraged. Measures which are effective over the long-term are preferred. (Ord. 12, Series 2000)

**WOOD-BURNING APPLIANCE:** Any appliance, other than a wood-burning cooking appliance, which: a) is fueled by the burning of wood (**or wood pellets**), and b) meets or exceeds any applicable phase II emission standards promulgated by the United States environmental protection agency, as amended from time to time.

**WOOD-BURNING COOKING APPLIANCE:** Any cooking appliance that utilizes the burning of wood (**or wood pellets**) for fuel. (Ord. 12, Series 2000)

# M E M O

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Date: February 24, 2011  
To: Planning Commission  
From: Michael Mosher, Planner III, Community Development  
Subject: Adoption of the “Handbook of Design Standards for the Transition Areas of the Conservation District” - The Public Process

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Over the past year, Planning Staff has presented detailed individual reviews of the unadopted “Handbook of Design Standards for the Transition Areas of the Conservation District”. The goal is to formally adopt these standards in the coming months. This memo will explain the proposed process of finalizing this review and adoption.

Similar to the adopted “Handbook of Design Standards for the Historic and Conservation Districts”, there are seven separate Character Areas or “Transitions Areas”. These are:

#8 - River Park Corridor Transition Area

#9 - North Main Transition Area

#10 - Briar Rose Transition Area

#11 - North End Residential Transition Area

#12 - East Side Residential Transition Area

#13 - South End Residential Transition Area

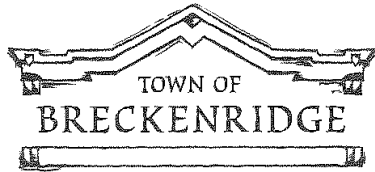
#14 - South Main Transition Area

- We have already completed the detailed reviews of the Introduction/Overview portion and each Character/Transition Area. During these work sessions, Staff and Commission reviewed typographical errors, Character Area Map adjustments, and introduced some new design standards that better address the functions of the Transition Areas. For example we discussed above ground density limitations, building height limitations, and architectural character for each area.
- For the next step, we are proposing to re-assemble the complete handbook with the modifications and corrections. We will also generate an overall summary of the most notable changes that occurred during the review process of the last year. This will then be presented to the Commission during a worksession for your review.
- Then, we will begin the public process. (We note that all the reviews with the Planning Commission were conducted as Worksessions.) The public will be notified via individual letters to all property owners within all of the Transition Areas, an advertisement in the local newspapers and posted on the Town’s website. We are also suggesting an ‘Open House’ for an opportunity for the public to meet with Staff to review the Transition Standards and the possible impacts to the properties within the boundary. We would have maps of each Transition Area and the associated design criteria to share with concerned property owners.
- Comments will/can be taken from the open house, letters, emails (via the posting on the Town’s website).

- Any substantial changes or concerns will be then be presented to the Planning Commission.
- Staff will then begin the formal process of adoption of “Handbook of Design Standards for the Transition Areas of the Conservation District” with the Town Council.

We welcome any additional comments.





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## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Chris Neubecker  
**DATE:** February 24, 2011  
**SUBJECT:** Ordinance Update

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Staff has been working on a variety of code updates and other ordinances. Below is a list of some of the issues that pertain to the Planning Commission:

Medical Marijuana Dispensary Change of Location: Because we are currently under a moratorium for the issuance of new medical marijuana dispensary permits, the Town Council is considering an amendment that would allow an existing permitted dispensary to change locations. The ordinance would only allow a new location inside the Downtown Overlay District if the existing dispensary is within the Overlay District, and if certain standards are met (including signage not visible from the street). This ordinance was approved on first reading on February 22<sup>nd</sup>. Second reading is scheduled for March 8<sup>th</sup>.

Vendor Carts: Staff continues to research temporary vendor carts. The Council is interested in changing the policy, but will not make any final decisions on the policy until staff completes its research. In the meantime, we are under a moratorium for the issuance of new vendor cart permits. Those completed applications submitted prior to the adoption of the moratorium, and those carts already approved (whether or not they have been installed) will still be allowed. Short term transient vendor carts for special events are not affected by the moratorium.

Fiber Cement Siding: The Town Council supports the change to Policy 5 (Relative) Architectural Compatibility, to allow for the expanded use of fiber cement siding. In fact, the Council was more liberal in their direction to staff, indicating that natural materials should not be required on a building (even a stone base or wood trim) and did not believe that a wood grain appearance is needed. Staff will bring this item to the Council for first reading on March 8<sup>th</sup>.

Basement Density under Historic Commercial Buildings: The Council supported a change to the “free” basement density under commercial historic landmarks, to allow any use under the building. This would remove the restriction of “storage only” in basements that obtain free density. All other fees, such as water Plant Investment Fees, and parking, would still be required.



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## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Chris Neubecker  
**DATE:** February 24, 2011  
**SUBJECT:** Annexation Update

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Staff has been working on a variety of annexations over the past few months. Below is the status of several annexations that have either been approved, or that Staff is working on actively. No action is required by the Planning Commission.

### Enclaves:

There are several properties in Town that are currently, or were recently, enclaves surrounded by the Town. State law allows the Town to annex these enclaves without a petition or vote from the property owners, if they have been surrounded by the Town for at least 3 years.

0112 Beavers Drive (formerly the Contino Residence): This single family residence has been surrounded by the Town for many years. This home is accessed from Beavers Drive, which is located near the intersection of Grandview Drive and Ski Hill Road. The Town Council adopted the annexation on second reading on February 22<sup>nd</sup>. It will be placed in Land Use District 10.

Xcel Substation on Wellington Road: This property is located on the south side of Wellington Road, near Vista Point and the Wellington Neighborhood. The property contains only Xcel electrical distribution lines and equipment. This property was annexed by the Town at second reading on February 22<sup>nd</sup>. It will be placed in Land Use District 13.

Woods Manor and Allaire Timbers: These two properties are located at the south end of Breckenridge, adjacent to the Ski and Racquet Club (south of Boreas Pass Road). Staff has started the annexation research process, but a hearing date has not yet been scheduled for the annexation of these properties.

### Other Annexations:

Ski Hill Road / County Road 3: There is a small portion of County Road 3 just past the base of Peak 8 which is currently plowed by the Town, but which is outside the Town boundary. The road segment just

past the new Ski Hill Road heading to the Peak 7 base, and is only a few hundred feet long. We are currently working with a surveyor to create the annexation map for this small segment of road.

MBJ Property: This 17 acre property is located north of the Peak 7 base area, along County Road 3. The land is located in Cucumber Gulch, and contains several acres of valuable wetlands and is important as wildlife habitat. A conservation easement was previously placed on the lower portion of the lot as part of the approval of the Gondola Variance Decision, approved in 2002. The MBJ property was recently purchased by the Town as open space. The adjacent so called “wedge” parcel, currently owned by the USFS is the subject of a potential land exchange between the Town and the USFS. Acquisition of the wedge will pretty much complete the Town’s acquisition of the entirety of Cucumber Gulch. The MBJ parcel will be annexed into town, but no annexation map has been produced, and no hearing date has been set.



## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Chris Neubecker, Senior Planner  
**DATE:** February 23, 2011  
**SUBJECT:** Planning Commission Fall Field Trip

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Staff would like the Commission to start to think about topics for a Planning Commission field trip. Each year, the Planning Commission and Staff take a trip to another community to see how they handle similar issues that Breckenridge faces. In the past, these trips have focused on ski area base development, historic preservation, affordable housing, sustainable development, redevelopment, and streetscapes. Any trip will need to remain within driving distance for budget reasons. This could include site visits to Denver and the Front Range, or other mountain/ski communities.

The trip has traditionally taken place in September or October of each year. Please bring your ideas about this field trip. If you have other field trip ideas that you think we should consider, please mention those ideas as well.