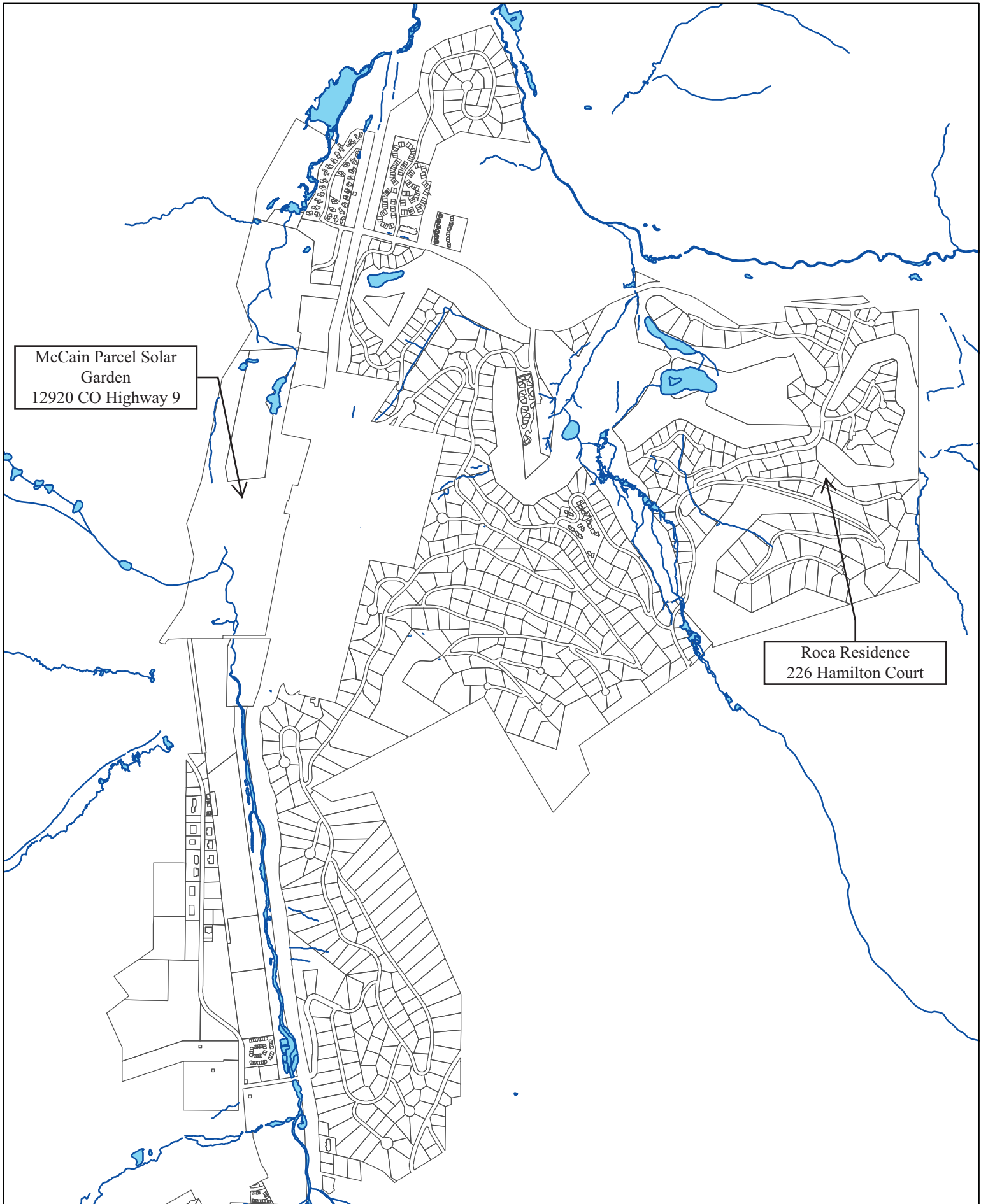


Town of Breckenridge
Planning Commission Agenda
Tuesday, October 18, 2011
Breckenridge Council Chambers
150 Ski Hill Road

7:00	<i>Call to Order of the October 18, 2011 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes October 4, 2011 Regular Meeting Approval of Agenda</i>	4
7:05	<i>Consent Calendar</i>	
	1. Roca Residence (MGT) PC#2011063 226 Hamilton Court	10
	2. Motherloaded Tavern Façade (CN) PC#2011067 103 South Main Street	21
7:15	<i>Main Street Improvements Update</i> (CN)	35
7:30	<i>Public Project Hearings</i>	
	1. McCain Parcel Solar Garden (JP) PC#2011065 12920 CO Highway 9	36
8:00	<i>Worksessions</i>	
	1. Gold Creek Condominiums Exterior Remodel (CN) 326 North Main Street	49
8:30	<i>Combined Hearings</i>	
	1. Ali's Pals Home Childcare (MGT) PC#2011066 12 Leap Frog Green	58
9:30	<i>Other Matters</i>	
	1. Historic Preservation Training Recap (Trip Butler, Kate Christopher, Gretchen Dudney)	
9:45	<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.*



McCain Parcel Solar
Garden
12920 CO Highway 9

Roca Residence
226 Hamilton Court



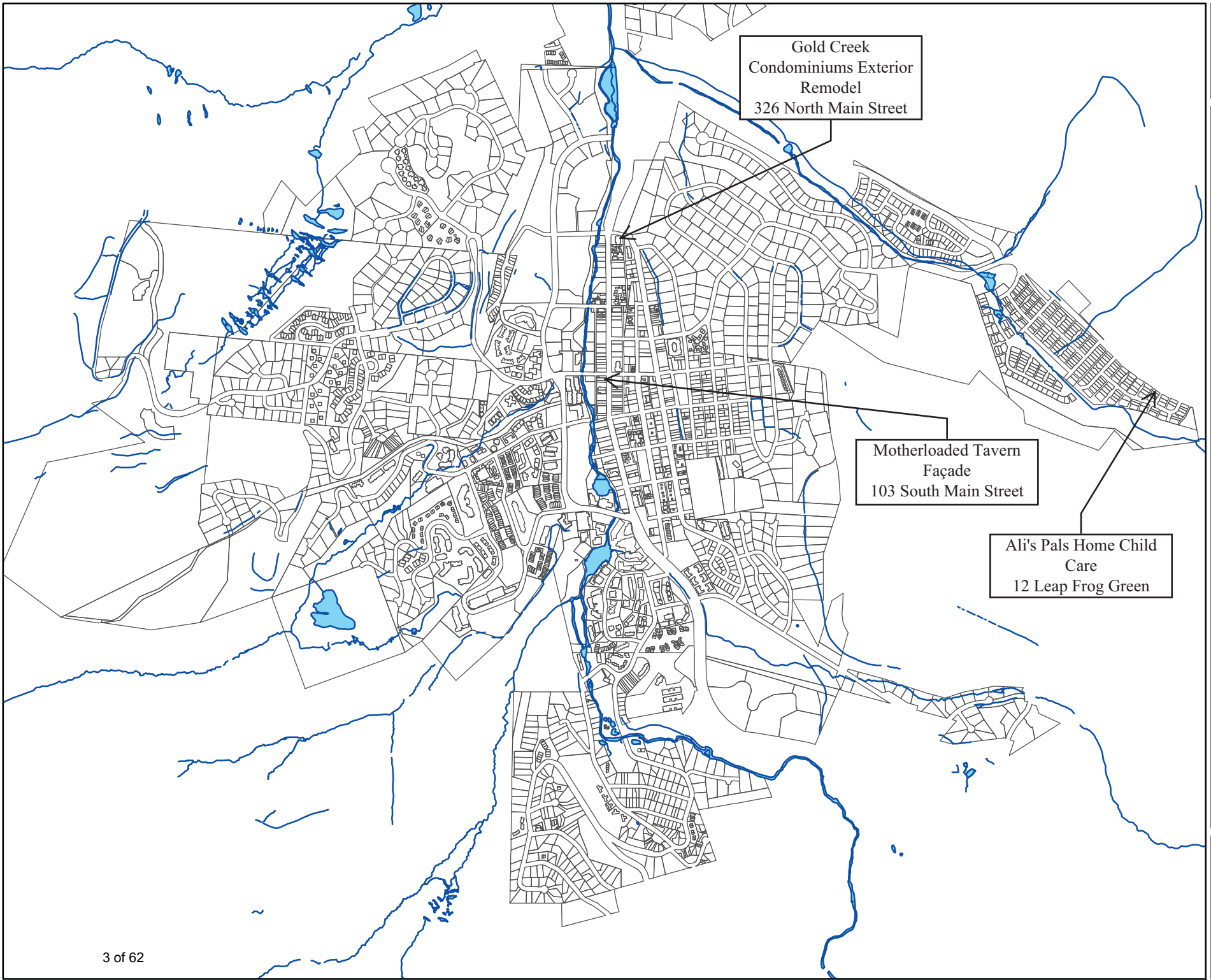
Breckenridge North

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

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NOT TO SCALE

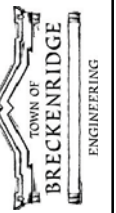


NOT TO SCALE

printed 4/12/2011

Breckenridge South

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



PLANNING COMMISSION MEETING

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

ROLL CALL

Kate Christopher Dan Schroder Jim Lamb
Trip Butler Gretchen Dudney Michael Rath
Dave Pringle arrived at 7:33pm.

APPROVAL OF MINUTES

Ms. Dudney: On page four of the minutes, under “Staff had the following questions”, #1 says “yes to everything Mr. Mosher asked in the report with two exceptions.” Please strike the first comment after that, and replace it with “prefer stone at the base, but hope you work it out”. Then pick up with “and have you considered a heated courtyard”.

Ms. Dudney: On page five of the minutes, under item 2, please change “wood wouldn’t work with the snow” to “fiberboard wouldn’t work with the snow”.

With two changes, the September 20, 2011 Planning Commission meeting minutes were approved unanimously (6-0).

APPROVAL OF AGENDA

With no changes, the October 4, 2011 Planning Commission meeting agenda was approved unanimously (6-0).

CONSENT CALENDAR:

1. Breckenridge Stables Horse and Carriage (CN) PC#2011061
2. Breckenridge Bike Bus (CN) PC#D11-283
3. Gaymon Residence Change of Use (MGT) PC#2011057; 207 North Main Street
4. Holman Residence (MGT) PC#2011062; 27 Sheppard Circle
5. Gales Residence (JP) PC#2011058; 532 Peerless Drive

Mr. Schroder made a motion to call up the Breckenridge Stables Horse and Carriage, PC#2011061. Mr. Butler seconded, and the motion was carried unanimously (6-0).

Mr. Neubecker presented the Breckenridge Stables Horse and Carriage, PC#2011061. The current permit is expired and this is a renewal application. The Applicant offers tours through historic district, taxi service, special events, weddings, etc., primarily in the core of Town. Waiting area at corner of Washington and Main Street. We have not addressed hours of operation. There are a couple of restrictions. Primary issue is odor complaints from Mr. Robin Theobald, the owner of two buildings closest to the location in the right of way. It is the operator’s responsibility to clean up after the horses. We have added a condition of approval to clean out the storm sewer in that location twice per year. There has been a suggestion to move the operation across the street, near Welcome Center; however, the issue there is the bus stop and the rearrangement of the parking and shuttle stops. Right now horses do not have to cross Main Street traffic to start tours; want to avoid that if possible. There was an instance of the driver using alley to relieve himself. Staff and the Applicant would like to add a hitching post to hitch the horses to so the drivers can step across the street to the Welcome Center to use the facilities there. Public Works supports that idea, and is a condition of approval. Staff recommends approval, realizing that issues need to be discussed. The Theobalds are here to make comment and Staff appreciates the courtesy of the call-up.

Mr. Brad Bays, Applicant: I don’t have anything to add, but I am here to answer any questions you may have. We have addressed any issues that have come up and we are willing to do whatever needed to keep our business.

Mr. Robin Theobald, owner of the property most directly affected by this operation, Creatures Great and Small: (The Saddle Rock Society owns the Barney Ford Museum). After a year of sending emails to Mr. Neubecker about this project, the staff report did not reflect that. Oktoberfest last year was first time I communicated with Mr. Neubecker about the point. The report states 13 years for current operator. Our tenants have been in the location for at least 15 years and the operation has been at this location for at least this amount of time. For tenants that are long term tenants of a property on Main Street that pays property tax and contributes a great deal of sales tax, this is unfair. They have tolerated this for 15 years, not a good enough reason to keep it going. This is not about horses. I love horses. This is about a carriage operation for over 15 years at this location. It seems like after all this time it is an imposition on me as the property owner and my tenants. There have been

problems. The smell from the horse urine has been much worse in the past year. There has always been a condition that the urine needs to be washed down. Adding a condition about the washing does not seem to make a difference. Condition 18 was for adjacent property owner to allow the use of the water. They would have to hook up to the sink and stretch a hose out the door. I am not going to agree that they use the water for this purpose. It is not my obligation to see that a business that uses the town right of way put the burden on my tenants. After harassing Mr. Neubecker for a year, I have not even gotten the opportunity to be singled out in a staff report as having a problem. The hose broke inside the building one time. The horses are remarkably well trained, but there have been runaways, with a driver, that damaged cars and the horses too. The driver is there to protect the horses from the public. That is part of the reason the driver has to be there, not because the horses aren't trained, but because of the people. I don't think the hitching post is a solution and not in front of our building. The items that go into the storm drain go directly to the river. The findings in the report are inconsistent. Another thing that struck me is that Findings and Conditions indicate there was no other economic solution to this application. After time on the Breckenridge Planning Commission and many years on the Upper Blue Planning Commission, I have never seen a staff report that addresses the economic feasibility until this one. Let's talk about Scott and Jan's (the Magnusons, owners of Creatures Great and Small) economic feasibility. One suggestion was to move a block south. Just moving it from one property to another is abusive, it will be another property owner complaining. In front of the Welcome Center they will have to pull out from the new curb into the lane of traffic. There is a shuttle stop on our side of the street too, so the shuttle stop is a complete wash. Whether you think the carriage is a great promotion for Breckenridge, or whether you think the smell from the urine is unbearable, don't you think it is time for you to review this and change it? (Ms. Dudney: Would you be satisfied if it was moved to the Welcome Center?) To me, I think that would be a much better place. (Mr. Schroder: Do you like have the carriage in town?) This is not about the horses; I am all in favor of businesses in Breckenridge.

Ms. Patty Theobald, Board Member of the Saddle Rock Society (Owner of the Barney Ford Museum and the Tin Shop): We have been negatively impacted by the carriage driver coming down the alley between Washington and Adams where the dumpsters are because he can relieve himself there by the dumpsters. Whether it is a hitching post or having the stop changed to in front of the Welcome Center would help. The smell is a little bit intrusive when we have events on the lawn, primarily non profits where everyone enjoys standing on the lawn but they are right over the parking area for the carriage. I support the carriage as an entity. I want to present a photo of the street, the stains on the street are where the odor originates. (Presented a photograph to the Planning Commission.) I support moving the carriage stop to another location in Town.

Ms. Jan Magnuson, owner of Creatures Great and Small for 26 years: Brad (Mr. Bays, the Applicant) has been good; if there is an issue we can call him, and he does resolve it, but that is short term. We don't feel it is our responsibility to monitor his employees. This summer the odor was very bad. We only have access to water from about mid May to about now; there is no access to water from October to May, so that is a concern as far as the water. We think the Information (Welcome) Center would be a much more feasible location, they have year round water, people come inside to wait in our shop when it is cold whereas the Information Center has more room. The customers could be waiting at the Information Center, browsing information there, provides a nice waiting area that will not create congestion at our store, which prevents people who do want to come in and shop at our location. We think that if you set up some requirements since they clean up not very regularly, we would like to see some requirements for how frequently they clean up. When people smell that smell, we hear comments continuously from guests "oh my gosh, what is that smell?" Adding to what Robin (Mr. Theobald) said, we do have concerns; the drivers do leave the carriage on occasion. I can remember three runaways, one with driver, two without, but injuries were involved; people do crazy things; to me it would make me very nervous to leave the carriage unattended. That is an accident waiting to happen. There would also be potential for a lawsuit.

Mr. Brad Bays, Applicant: I am sitting back there listening and issues were raised that I was unaware of, like how much the businesses have been impacted. We have policies set up to address these issues; the drivers bring down three five-gallon buckets to wash down the urine. I can come down daily and wash if needed. Normally when drivers have to use facilities, they call us and we come down and watch the horses. The driver in question who used the alley is no longer employed by us. If anything misses the diaper, they have to go back and clean up. They are not supposed to leave the horses ever. If there is a substance we need to put on the odor we will. We want to make sure we don't offend anyone in the community. (Ms. Dudney: Why do you prefer the existing location?) We can drive down Adams Avenue and take a right on Main Street without having to cross the traffic. (Mr. Schroder: That is a clockwise rotation?) Yes. (Ms. Christopher: All right turns?) Exactly. We could turn any way, but when traffic is stopped on Main Street, it can be problematic. (Mr. Butler: For the odor, the Town of Breckenridge has pump trucks and Summit County has noxious weed trucks. Find one that is out of service, buy it and wash down the area with a water truck.) We do have water truck that we could wash the street with daily. In the winter, it is not as much of an issue. In the summer, when it is hot, yes, we can send the water truck down there once a day to wash down. Also, I am checking into bags that they put under the horse to catch urine as well. The urine issue, I believe there is a

way to water it down. (Ms. Dudney: How do you feel about hitching post?) I think it is great; we will still come down when the horses are at the hitch when the driver needs to use the facilities to hold the horses. (Mr. Pringle: Is there anything that we can do that would satisfy you or should we look at another location? There is a sign that says yield to pedestrians; perhaps it could say yield to pedestrians and carriages.) Main thing here is the odor. With the odor we can water down more, do whatever is recommended. If the driver watering down the street is not enough, we can run the water truck weekly or daily as needed. (Mr. Pringle: Why has that not been occurring now?) We take care of it as requested. I was unaware of problems since last Oktoberfest. (Mr. Pringle: I have been around horses my whole life, when you are not used to it, it can be pretty annoying.) (Ms. Christopher: Safety wise, there would be more little kids reaching for the horses at the Welcome Center location; something to consider.)

Mr. Theobald: Winter time problem is not odor; it is using the Creatures Great and Small as a waiting room. The night of the John Hyatt/Lyle Lovett concert there were people retching from the odor. I think the problem is that Brad (Mr. Bays) is unaware of this. Since the Town is permitting this, why is the Town not sending the street sweeper by twice daily? Imagine that! Moving it across the street makes the one who is permitting this to suffer (Town).

Mr. Scott Magnuson, owner of Creatures Great and Small: We have been talking to Brad (Mr. Bays) for years, he is good about when we call, but this has to be done every day. One bucket of water on the urine is not enough. (Mr. Bays: We can run the water truck every day. I think the benefit of having it down there outweighs any issues. We are willing to do whatever it takes. Several hundred gallons of water will take care of it. We have staff throw buckets on it. If we need to be running the water truck down there daily, we will.)

Mr. Theobald: To answer Mr. Pringle's question, 15 years is long enough, it has got to move. There is no solution that will satisfy me in the existing location.

Ms. Theobald: That carriage blocks the entire business from view. Our business has suffered the consequences of another business running in that location. Having to entertain that business's customers, drivers getting warm, all that commotion, blocking driveway, it's not fair for the Town of Breckenridge to permit a business to run which pay no taxes, no property tax, no sales tax, no permit fee, move it around so it does not affect our businesses any more. (Ms. Christopher: It is the same as vendor carts in front of another business.) (Mr. Theobald: Vendor carts pay sales tax and are not allowed in the right of way. This business is allowed to operate in the right of way.) Our business, we own the property, we lease to a retailer to do business and the Town comes in and moves it in front of our business.

Mr. Bays: We used to be right in front of Creatures Great and Small, but there is a shuttle stop there now, we are moved forward to corner as far north as we can go. Perhaps that will keep people from going into their shop; last winter we were right out front.

Commissioner Questions / Comments

Mr. Lamb: I would like to explore the Welcome Center location, additional hosing every day. Understand need to address more children over there at the Welcome Center. Left and right turns can be figured out. Stands to reason to be in front of Welcome Center. (Mr. Neubecker: Staff recommends we make a decision on this application, in this location. We can't make a decision for Streets, Public Works, etc.) (Mr. Rath: We don't have the rationale for the existing location. It was put here for a reason.)

Mr. Butler: If there is a Finding that Brad (Mr. Bays) is responsible for mucking out twice annually, can we add a Condition that between x date and y date that they must do the daily watering?

Ms. Christopher: I agree with the water truck to clean daily and the fact that they have moved north may help. On signage, maybe add on that says "Please use the Welcome Center for waiting in cold". Need to direct people to where they need to be.

Mr. Rath: I too grew up on a farm. The odors can be kept under control, but takes a significant amount of policing of employees. Not knowing why it got placed in this location originally makes it difficult. I am concerned about putting a landmark business out of business. I don't think we have all the information to make a recommendation one way or the other. (Ms. Christopher: I would be ok with moving the location if Town Council is ok. I would like to see the business in best place.) (Mr. Lamb: Perhaps there is time to take another look to weigh in on situation.)

Mr. Pringle: Maybe this location is no longer appropriate as it impacts property owners and tenants in way that cannot be mitigated; perhaps it's time to move across the street. It would take that problem away from Creatures Great and Small. We should work hard to make sure that does not happen. Help the Applicant find a more

appropriate location, work with Streets Department to mitigate any of the unpleasant odors. I don't particularly mind the smell, but I know it can be overwhelming to others. Great business for the Town; but time to move across the street.

Ms. Dudney: I agree this is a Town amenity, prefer it to be located at the Welcome Center, but need proviso for cleaning and water truck. I do not agree with hitching post.

Mr. Schroder: I had no idea where we were headed with this application. (Mr. Bays: Can I request a continuance?) We all know it is a public benefit, no one said get rid of it, but there is a need to share burden of this business, understand the impact to streets and community. Five of us indicate moving across the street, one keep where it is, and one needs more information.

Mr. Lamb made a motion to continue the Breckenridge Stables Horse and Carriage, PC#2011061, to a future meeting. Ms. Christopher seconded. (Mr. Neubecker: Are you operating now?) (Mr. Bays: We are shut down now until mid November.) (Mr. Neubecker: We would need to get this resolved soon, before starting operating again.) The motion was approved unanimously (7-0).

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

RESOLUTIONS:

1. Planning Commission Resolution #9: Upper Blue Nordic Master Plan (SR)

Mr. Reid presented. The Upper Blue Nordic Master Plan (UBNMP) outlines recommendations for preserving or improving Nordic skiing access and opportunities in the Upper Blue basin. It is intended as a reference in planning development review, for outlining management goals of the two Nordic centers, in seeking ways to improve backcountry ski access, and for formulating comments for travel management planning (e.g. U.S. Forest Service planning process).

The original UBNMP, approved by the Breckenridge Town Council in 2001, provided clear direction for the protection of existing Nordic routes, construction of new routes, and the establishment of the Gold Run Nordic Center. Since 2001, many of the goals outlined in the UBNMP were accomplished, leading to a revision process undertaken in 2010 and 2011.

The revision process involved convening a UBNMP review committee including representatives from Summit County Government, the U.S. Forest Service, the Breckenridge Open Space Advisory Committee, Backcountry Snowsports Alliance, Nordic ski concessionaires, Summit Huts, the local ski racing community, and Town of Breckenridge Planning and Recreation Department staffs. The group reviewed, discussed, and revised the existing Nordic document, leading to the attached updated plan.

The Open Space and Trails Division requested the Planning Commission review the presented revised Upper Blue Nordic Master Plan and approve a resolution to make the document a correlative document to the Town of Breckenridge Comprehensive Master Plan.

Commissioner Questions / Comments:

Mr. Pringle: What are the major changes? (Mr. Reid: The old document stated the Gold Run location should be considered for a new Nordic center, which has now been operating for many years. We changed a lot of the content regarding specific trails that were not captured in the first document. This document identifies backcountry touring and alpine touring routes.) (Mr. Grosshuesch: We fully realize this is not your area of expertise. This has been fully vetted by BOSAC, an UBNMP subcommittee, it was a year and a half development process and the way the system works is Town Council needs a recommendation from Planning Commission on this. If you are uncomfortable, rest assured, it has been thoroughly vetted.)

Ms. Dudney: Is there anything controversial? (Mr. Reid: Not that I am aware of, this is purely a vision document. There are no dollars associated with it; items would be dependent on planning, funding, budget processes of the Town and the County as many items take place outside of Town of Breckenridge boundaries.) The only private entity is the Breckenridge Nordic Center? (Mr. Reid: There are some non profits that are non-governmental.) They were all consulted? (Mr. Reid: Yes.) The Breckenridge Nordic center also? (Mr. Reid: Yes. Also the Summit Nordic Ski Club.) (Mr. Truckey: The County and the Forest Service as well. This document is entirely consistent with Golden Horseshoe plan. First edition of this plan was to develop Gold Run Nordic, which has happened.)

Mr. Schroder made a motion to adopt Planning Commission Resolution #9, recommending the Town Council add the Upper Blue Nordic Master Plan as a correlative document to the Town's Comprehensive Plan. Ms. Christopher seconded.

Mr. Pringle: I hate to be a stickler, but there is no mention of Father Dyer anywhere, he did Nordic skiing in early days, and many of the trails were used by miners. Father Dyer's portrait is at the State Capitol; it seems like he should be mentioned. (Mr. Butler: Shouldn't there be a separation of church and state?)

Ms. Christopher: Is this supposed to be the history of Nordic skiing, or just what you have been doing? (Mr. Reid: It does mention Trygve Berge and Sigurd Rockne.) (Mr. Truckey: We could add a short paragraph about that, no problem.) (Mr. Pringle: If you don't capture history now, it will be lost forever.)

Mr. Schroder amended his motion to add a paragraph on the historical figures of Nordic skiing and the motion was then carried unanimously (7-0).

OTHER MATTERS:

Mr. Neubecker: Some Town Council Updates.

Solar Gardens: The Town is looking into solar gardens, which are large solar panels not associated with a building. We are having an open house here in Council Chambers on October 13th at 5:30pm. We anticipate a development permit application on the October 18th Planning Commission agenda. Please attend, and let anyone know who might be interested. (Mr. Rath: Any idea how many kilowatts?) (Ms. Puester: Two megawatts.) (Mr. Pringle: Where are the locations?) McCain or Stillson. (Mr. Grosshuesch: Stillson is probably not going to work; it is too carved up with easements, and there are shadow issues.)

Vendor Carts: Presentation last week to Town Council with vendor carts. Originally Town Council was moving toward a prohibition and not renewing existing licenses once they expired. Town Council had change of heart. Audience members who are permit holders came to the meeting and spoke. Town Council directed us to go back and get some design guidelines and look at fees more closely, so Staff is working on that.

Miller Annexation: This is behind the BBC, and has come back with some changes, one of which was to incorporate more commercial into the site, plus perhaps some type of assisted living, changes to unit mix to still meet affordability matrix but change to type of units (townhome etc.).

Burn Permits: Staff is working on a couple of burn permits, one in the Warrior's Mark area and others jointly between the Town of Breckenridge and Red White and Blue. Will have to wait until there is appropriate weather.

Block 11 Housing: The reins have been pulled back so as not to compete with other affordable housing. Still designated as housing, but not happening as soon. From school property all the way down to CMC.

Valley Brook: The Valley Brook project won seven awards in this year's Parade of Homes, including best floor plan, best curb appeal, best energy efficiency, best views. Staff is very happy about that, we even got some contracts out of the Parade. (Ms. Christopher: Are the units all sold? I am just curious.) There are four left.

Mr. Pringle: Is the Tiger Dredge park plan going forward? (Mr. Grosshuesch: Probably, pretty strong resolve on part of a couple of Council members to put a park on Tiger Dredge. To be discussed at the Town Council retreat on November 9, Wednesday. They have not acted on anything for that yet.)

Mr. Neubecker: Several of you are attending the Historic Preservation Training on Friday. What other training would you like? The quasi-judicial training webinar is available. (Mr. Schroder: The situation tonight became a worksession and it unraveled a little bit; I was not sure how to reel it in. (Ms. Dudney: You did a great job, closing public comment.) (Mr. Pringle: Sometimes you can't follow the script on those items.) The webinar on quasi-judicial hearings may be good for that issue. Staff will also let you know about Town sponsored trainings that may be of interest to you, including how to run a great meeting.

Mr. Pringle: Please include Olaf Pederson in the little historic paragraph about the Upper Blue Nordic Master Plan.

ADJOURNMENT:

The meeting was adjourned at 8:32 p.m.

Dan Schroder, Chair



COMMUNITY DEVELOPMENT
Class C Development Review Check List

Project Name/PC#: Roca Residence PC#2011063
Project Manager: Matt Thompson, AICP
Date of Report: October 11, 2011 For the 10/18/2011 Planning Commission Meeting
Applicant/Owner: Chris Canfield
Agent: BHH Partners
Proposed Use: Single family residence
Address: Single family residence
Legal Description: Lot 102, Discovery Hill
Site Area: 55,128 sq. ft.
Land Use District (2A/2R): 6: Subject to the Delaware Flats Master Plan
Existing Site Conditions: The lot slopes downhill steeply at 19% towards the Elk #7 hole of the golf course. The lot is moderately covered with very large spruce and fir trees, many of them specimen trees. There are also some smaller diameter lodgepole pine trees on the property. There is a 30' utility and drainage easement in the southwest corner of the lot. There is a 10' snowstack easement along Hamilton Court.

Density (3A/3R): Proposed: 3,487 sq. ft. Allowed: Unlimited
Mass (4R): Proposed: 4,363 sq. ft. Allowed: Unlimited
F.A.R.: 1:12.00 FAR
Areas:
Lower Level: 1,754 sq. ft.
Main Level: 1,733 sq. ft.
Upper Level:
Garage: 876 sq. ft.
Total: 4,363 sq. ft.

Bedrooms: 4.5
Bathrooms: 4
Height (6A/6R): 31 feet overall
(Max 35' for single family outside Historic District)

Lot Coverage/Open Space (21R):
Building / non-Permeable: 3,642 sq. ft. 6.61%
Hard Surface / non-Permeable: 2,037 sq. ft. 3.70%
Open Space / Permeable: 49,449 sq. ft. 89.70%

Parking (18A/18/R):
Required: 2 spaces
Proposed: 3 spaces

Snowstack (13A/13R):
Required: 509 sq. ft. (25% of paved surfaces)
Proposed: 783 sq. ft. (38.44% of paved surfaces)

Fireplaces (30A/30R): 4 gas fireplaces
Accessory Apartment: N/A
Building/Disturbance Envelope? Disturbance envelope
Setbacks (9A/9R):
Front: Within the disturbance envelope

Side: Within the disturbance envelope

Side: Within the disturbance envelope

Rear: Within the disturbance envelope

Architectural Compatibility (5/A & 5/R): The proposed residence will be architecturally compatible with the neighborhood.

Exterior Materials: 2 x 10 horizontal shiplap siding, 2 x 8 vertical siding, 2 x trim and fascia boards, exposed resawn glu-lam rafter tails, columns, beams and truss elements, and natural "Farmer's Brown" stone veneer with sandstone caps.

Roof: Thick butt composition shingles

Garage Doors: Custom horizontal wood-sided

Landscaping (22A/22R):

Planting Type	Quantity	Size
Colorado Spruce	4	(2) 6', (2) 10'
Aspen	18	(10) 2", (8) 3" min. caliper
Potentilla	10	5 gallon
Buffalo Juniper	10	5 gallon
Peking Cotoneaster	10	5 gallon

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

Driveway Slope: 8 %

Covenants:

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

Staff Action: Staff has approved the Roca Residence, PC#2011063, located at 226 Hamilton Court, Lot 102 Discovery Hill, with the Standard Findings and Conditions.

Comments:

Additional Conditions of Approval:

TOWN OF BRECKENRIDGE

Roca Residence
Lot 102, Discovery Hill
26 Hamilton Court
PC#2011063

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 **October 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 **October 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 **April 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 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. 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.
7. Applicant shall field locate utility service lines to avoid existing trees.
8. 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.
- 9. 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.**
10. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
11. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

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

20. **Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.**
21. 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.

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 remove all vegetation and combustible material from under all eaves and decks.
25. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
26. Applicant shall execute and record with the Summit County Clerk and Recorder a covenant and agreement running with the land, in a form acceptable to the Town Attorney, requiring 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.
27. 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.
28. Applicant shall screen all utilities.
29. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
30. 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.
31. 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.

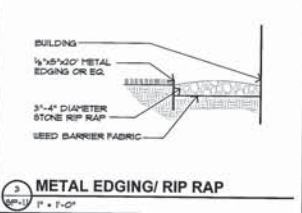
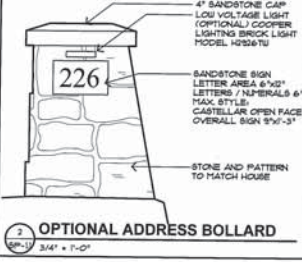
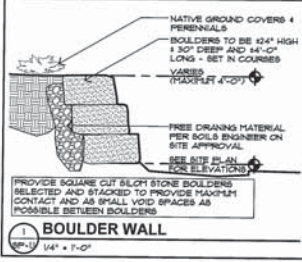
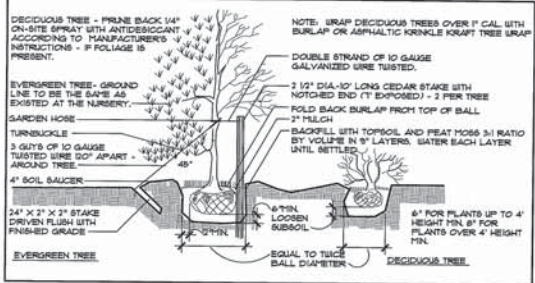
32. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (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.**
33. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
34. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. *Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.*

(Initial Here)



VIEW FROM HAMILTON COURT

9/20/11 11/25



PLANTING LIST

KEY	COMMON EXISTING TREES	BOTANICAL	NO.	SIZE
(E)	EXISTING	VARIES -	0	SEE SITE PLAN
(R)	EXISTING TREES TO BE REMOVED	VARIES -	0	SEE SITE PLAN
(A)	PROPOSED TREES/SHRUBS TO BE ADDED	VARIES -	0	SEE SITE PLAN
(C)	COLORADO SPRUCE	PICEA PARSONI	4	2 1/2" x 2 1/2" TALL
(S)	JAPANESE TREBLES	FRAXINUS	30	100" OVER CAL 100 X 3 1/2" x 1 1/2" STEP
(P)	POTENTILLA	POTENTILLA	10	3 GAL.
(J)	BUFFALO JAMPER	JANIPERUS SABINA	10	3 GAL.
(K)	PRICKLY PINE	QUERCUS LAEVOGATA	10	3 GAL.
(N)	NATIVE GROUND COVERS	PROVIDE SUBSTITUTAL	10	1 PLANT

DEFENSIBLE SPACE NOTES

THIS PLAN TO SATISFY TOWN OF BRECKENRIDGE SUBDIVISION STANDARDS AND HILLSIDE DEVELOPMENT AND BRECKENRIDGE TOWN CODE DEVELOPMENT CODE STANDARDS FOR DEFENSIBLE SPACE.

ZONE 1 - ALL TREES TO BE REMOVED WITH EXCEPTION OF SPECIPER TREES (S) TO BE APPROVED BY TOB. ONLY HEALTHY TREES TO BE PRESERVED. FRESH PLANTING MATERIAL TO BE ADDED TO SCREEN HOUSE FROM BELOW.

ZONE 2 - TREES TO BE REMOVED TO ALLOW FOR BETWEEN GARAGES WITH EXCEPTION OF CLUSTERS TO BE APPROVED BY TOB. ONLY HEALTHY TREES TO BE PRESERVED.

ZONE 3 - TREES TO BE REMOVED TO ALLOW FOR BETWEEN GARAGES WITH EXCEPTION OF CLUSTERS TO BE APPROVED BY TOB. ONLY HEALTHY TREES TO BE PRESERVED.

NOTE: NEW LANDSCAPING HAS BEEN ADDED TO PROVIDE ADDITIONAL SCREENING ENCOURAGED BY THE REGULINE ORDINANCE WHICH MITIGATES LOSS OF SCREENING DUE TO DEFENSIBLE SPACE ORDINANCE.

LANDSCAPE NOTES

1. PROVIDE 2"-3" (MIN) CLAY FREE TOPSOIL AND SEED ALL DISTURBED AREAS WITH SEED CO. SEED BEDS, SPRINKLER AND STOCKPILE EXISTING TOPSOIL IN CONSTRUCTION AREA. SCREEN TOPSOIL PRIOR TO INSTALLATION.
2. REMOVE ALL EXISTING TREES WITHIN 8'-0" OF ALL ROOF OVERHANGS AND DECKS FOR DEFENSIBLE SPACE. KEEP EXISTING TREES WHERE POSSIBLE. TAKE INTO CONSIDERATION DRIP LINES AND ROOT STRUCTURE. PROTECT EXISTING TREES WITH FENCING LOCATED AT OR OUTSIDE DRIP LINE OF TREE. STOCKPILE AND REUSE EXISTING TREES WHERE POSSIBLE.
3. GENERAL CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDING FOUNDATIONS PER SPECIFICATIONS AND CODE REQUIREMENTS.
4. PRIOR TO ANY LANDSCAPE WORK, REMOVE ALL DEBRIS, PAINT, CONCRETE, BRICKS, SLASH, ETC. FROM LANDSCAPE AREA.
5. LOCATE ALL PLANTINGS TO AVOID FROM STACKS AND SNOW BLEED AREAS FROM ABOVE. LOCATE ALL NEW TREES 8'-0" FROM ALL ROOF OVERHANGS AND DECK FOR DEFENSIBLE SPACE.
6. SHRUBS ARE TO BE FIELD LOCATED AS APPROVED BY OWNER AND ARCHITECT.
7. ALL NEW LANDSCAPING TO BE IRRIGATED WITH DRIP IRRIGATION SYSTEM. PROVIDE SUBSTANTIAL.
8. ALL NEW PLANTING SHOULD BE HIGH ALTITUDE GROUND AND OR COLLECTED TO ENSURE BETTER SURVIVAL.
9. NATURALIZE GROUPING OF TREES BY VARYING HEIGHT / LOCATION WHEREVER POSSIBLE.
10. SCREEN ALL UTILITY PEDESTALS WITH LANDSCAPE MATERIAL.
11. PROVIDE 3" x 4" DIAMETER STONE RIPRAP OVER SEED BARRIER FABRIC AT BUILDING DRIP LINES ISOLATE EDGES AND PROVIDE LANDSCAPE EDGING AT RIPRAP TO TOPSOIL JUNCTURE.
12. INSTALL A BACKFILL ALL PLANTING WITH SOIL MIX INCLUDING ORGANIC SOIL. APPROVED PER SPECIFICATIONS AND LANDSCAPE DETAILS.
13. ROOT PRUNE ALL NEWLY PLANTED TREES DURING INSTALLATION. PROVIDE LIQUID GROWTH TREE STIMULATOR AND SOLUBLE FERTILIZER AT RECOMMENDED RATE FOR EACH TREE SPECIES.
14. PROVIDE 3" OF SHREDDED BARK MULCH AT ALL SHRUBS AND TREE BELLS.
15. LANDSCAPE BOLDERS OF 2' OR LARGER SHALL BE RETAINED ON SITE FOR USE IN LANDSCAPE WORK. BURY DECORATIVE BOLDERS ONE-HALF OF DIAMETER.
16. ADDITIONAL CONSULTATION WITH A QUALIFIED LANDSCAPE PROFESSIONAL AT OWNER OPTION IS RECOMMENDED.

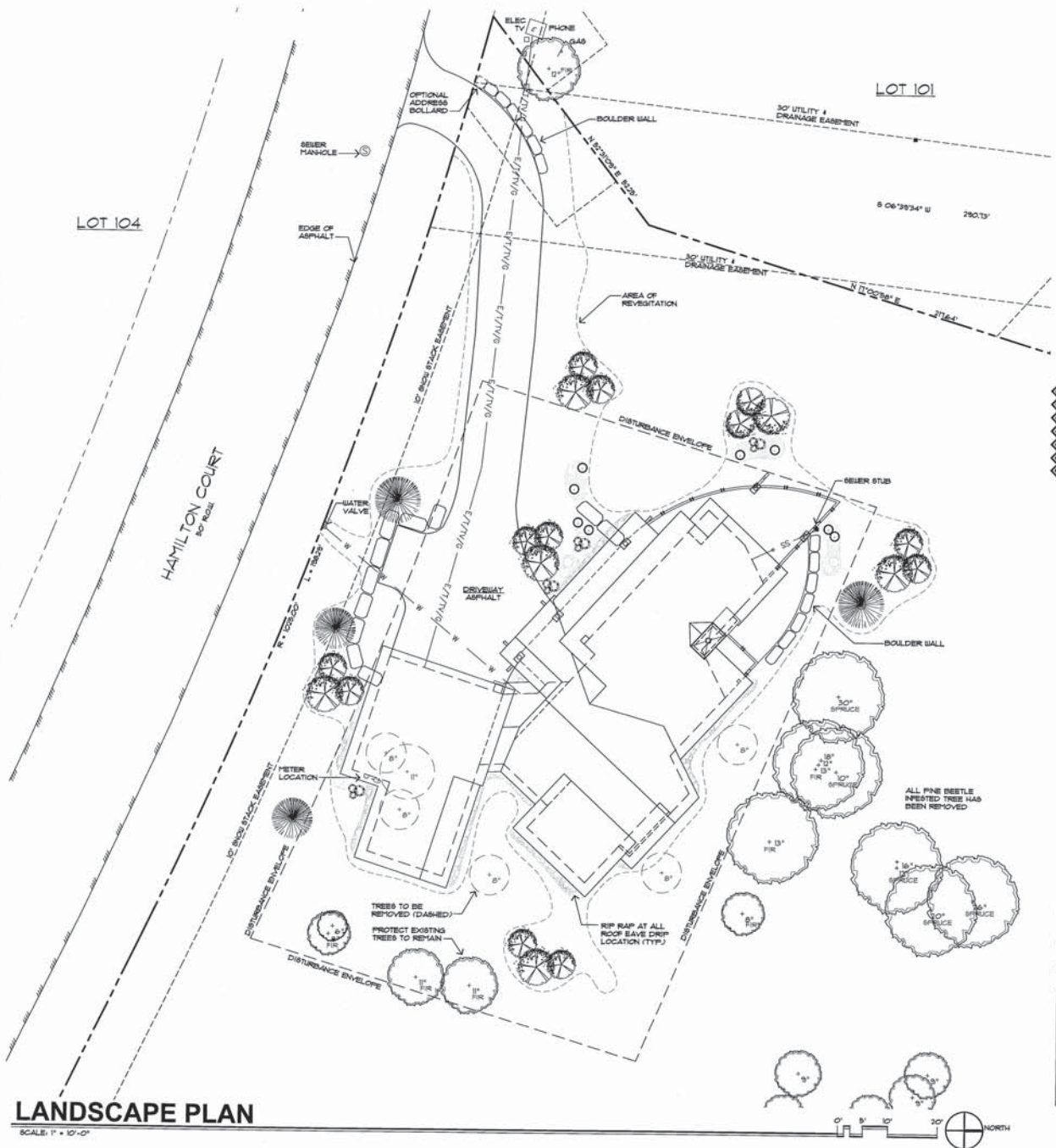
REVEGETATION NOTES

REVEGETATE ALL DISTURBED AREAS ON THE SITE WITH:

SHORT DRY GRASS MIX #2 LBS/1000 SF
 HARD FESCUE 50%
 CREEPING RED FESCUE 30%
 SHEEP FESCUE 25%
 CANADA BLUEGRASS 10%
 CANEY BLUEGRASS 5%

MOUNTAIN MAGIC WILDFLOWER MIX #1 LBS/1000 SF
 BABY'S BREATH 50%
 CALIFORNIA POPPY 30%
 BLUE FLAX 10%
 WILDFLOWER 5%
 PENSTEMON, ROCKY MOUNTAIN MAIDEN PINKS 5%
 WILD THYME

SLOPES OVER 3:1 SHALL BE MAT TACKIFIED OR NETTED.



LANDSCAPE PLAN
 SCALE: 1" = 10'-0"

REVISIONS:

JOB NO: 1848
 DATE: 08/30/11
 DRAWN BY: T GERKEN
 CHECKED BY: M HOGAN

JOB NO: 1848
 DATE: 08/30/11
 DRAWN BY: T GERKEN
 CHECKED BY: M HOGAN

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 SHEET NUMBER

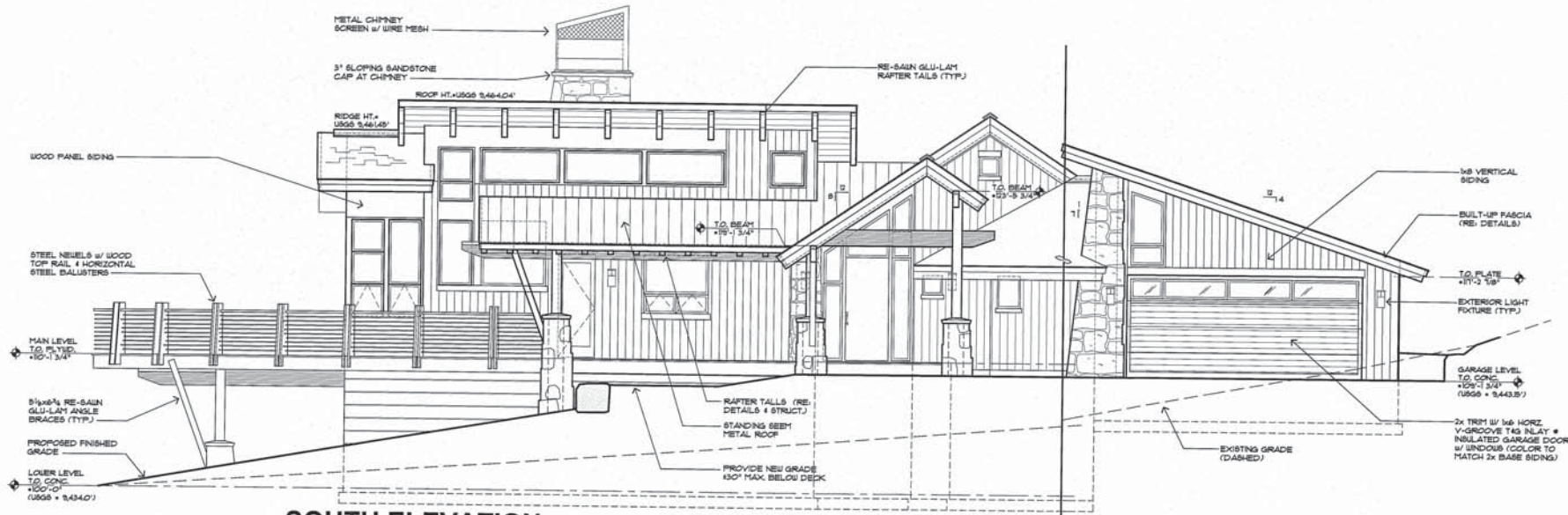
bhh Partners
 P.O. BOX 851 160 EAST ADAMS BRECKENRIDGE, CO 80424 (970) 545-8480

ROCA RESIDENCE
 224 HAMILTON COURT, LOT 102, DISCOVERY HILL, BRECKENRIDGE, COLORADO

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 SHEET NUMBER

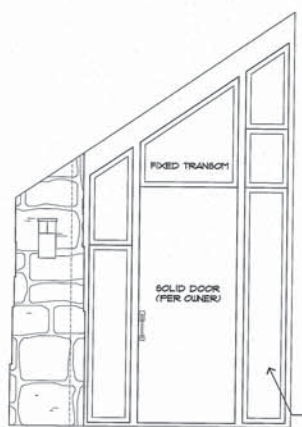
SP-1.1
 LANDSCAPE PLAN

OF 2



SOUTH ELEVATION

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

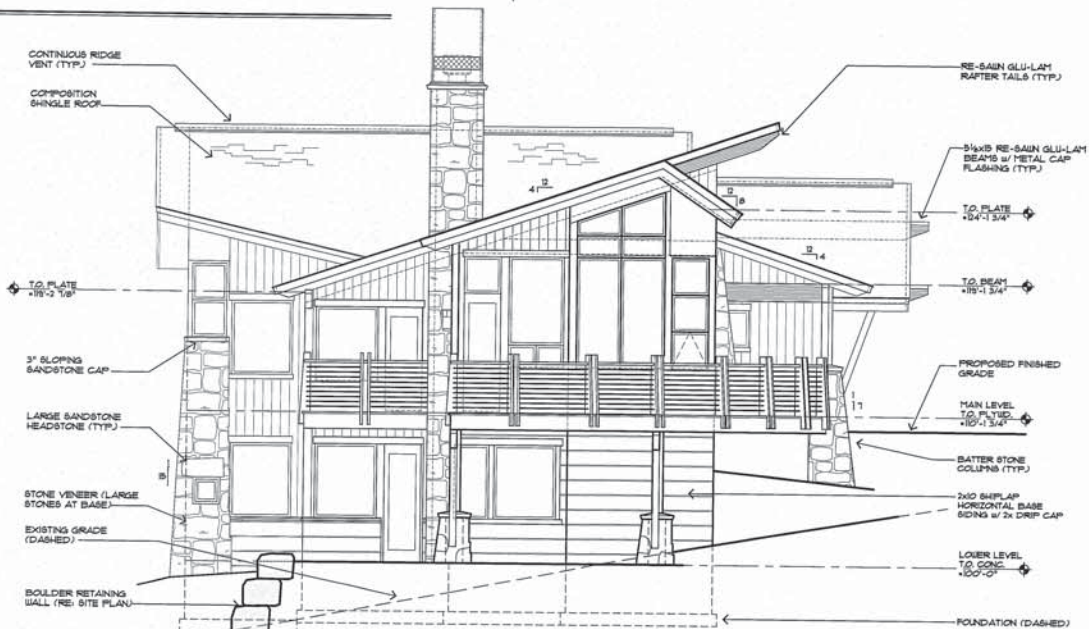


ENTRY ELEVATION

SCALE: 1/2" = 1'-0"

COLOR LEGEND		
1	ROOFING	ELK PRESTIGE PLUS 'BARKWOOD'
2	METAL ROOF	METAL SALES' STANDING SEEM' BRONZE
3	1/4" VERTICAL SIDING	'OLYMPIC' #200 SEMI-TRANSPARENT STAIN
4	2x PLANK SIDING BEAMS & COLUINS	'OLYMPIC' #100 SEMI-TRANSPARENT STAIN
5	FASCIA, WINDOW TRIM & WOOD PANELS	'OLYMPIC' #120 SEMI-TRANSPARENT STAIN
6	WINDOW CLADDING	'SIERRA-PACIFIC' BRONZE
7	STONE VENEER	'FARMERS BROWN'
	SANDSTONE CAPS	BUFF COLOR

NOTES: COLORS ARE TYPICAL FOR ALL ELEVATIONS
FIXED TRANSOM



WEST ELEVATION

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

REVISIONS:

JOB NO: B48
DATE: 09/30/11
DRAWN BY: t gerhan
CHECKED BY: m hogan

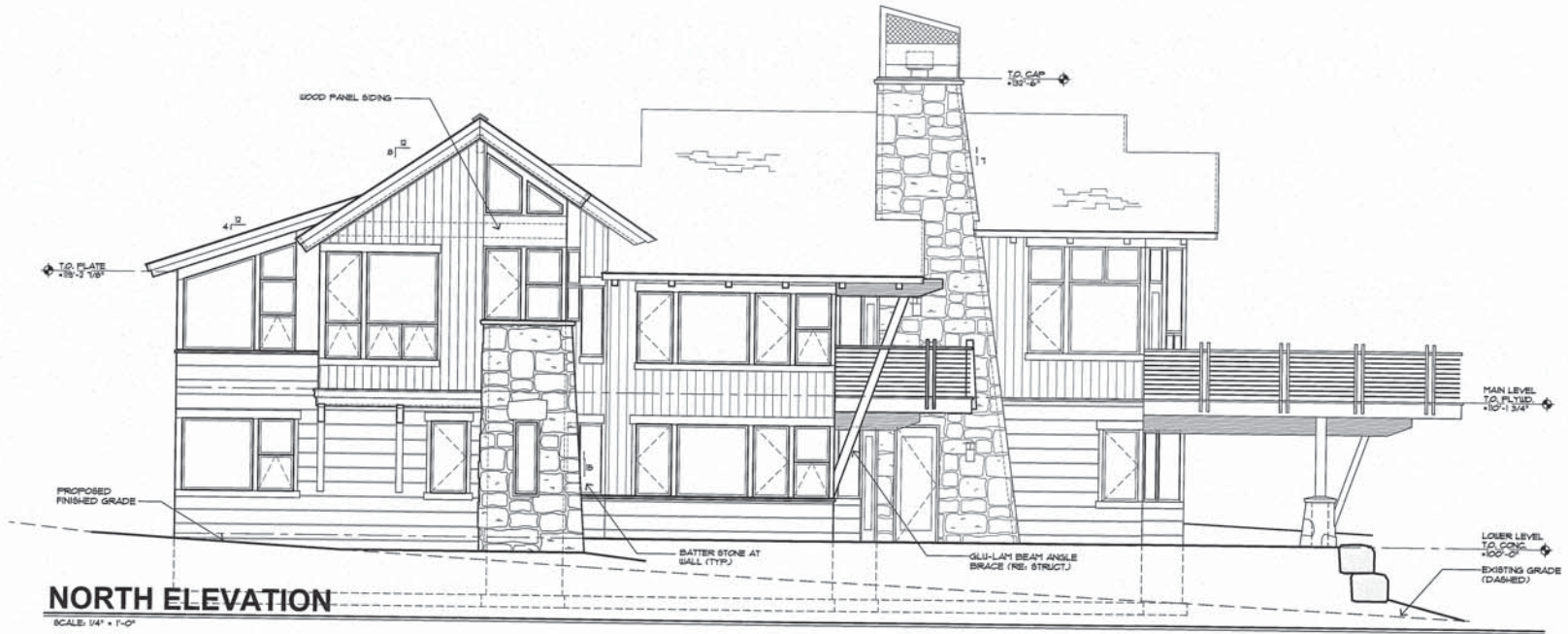
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FRD PRELIM # 1
TOB CLASS C. 09/30/11

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P.O. BOX 831 180 EAST ADAMS BRECKENRIDGE, CO 80424 (970) 454-8880

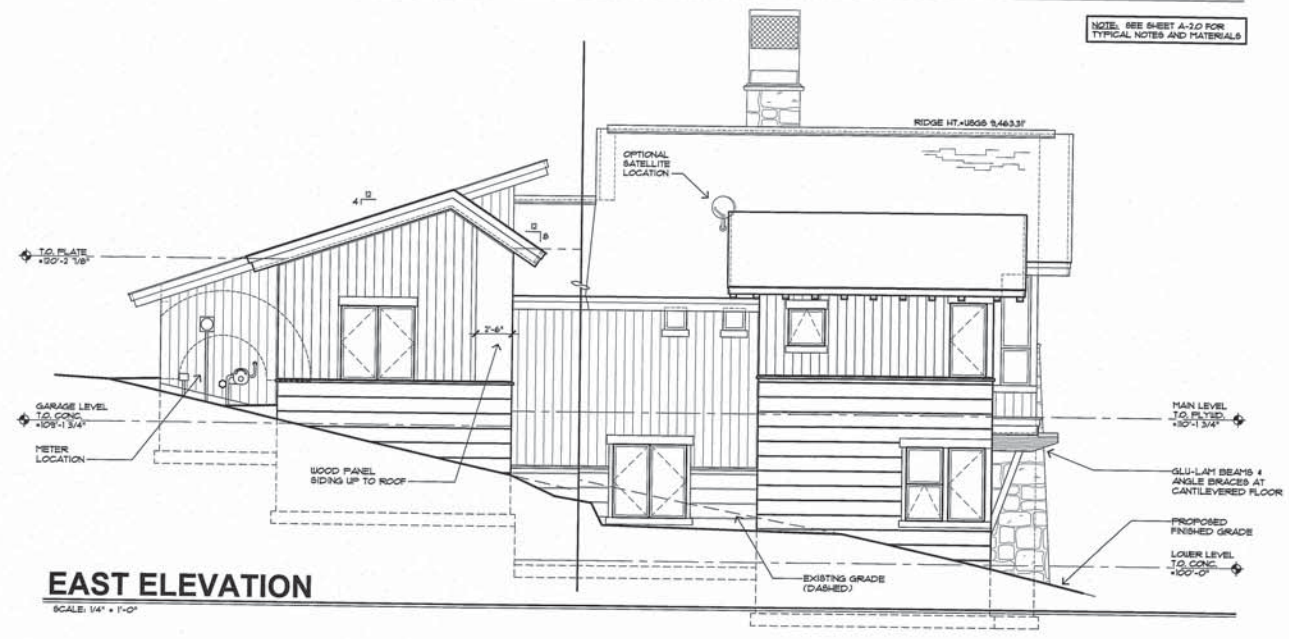
ROCA RESIDENCE
225 HAMILTON COURT, LOT 102, DISCOVERY HILL, BRECKENRIDGE, COLORADO

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SHEET NUMBER:
A-2.0
BUILDING ELEVATIONS
CF.6



NORTH ELEVATION

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



EAST ELEVATION

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

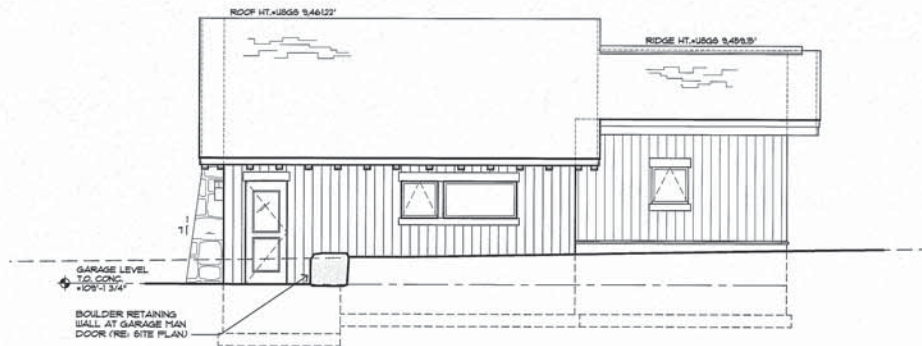
REVISIONS:

JOB NO: 1545
 DATE: 09/30/11
 DRAWN BY: t gerken
 CHECKED BY: n hogan

CAD FILE # 1
 TOB CLASS C. 09/30/11

bhh Partners
 P.O. BOX 811 100 EAST ADAMS BRECKENRIDGE, CO 80424 (970) 451-6880
ROCA RESIDENCE
 228 HAMILTON COURT, LOT 102 DISCOVERY HILL, BRECKENRIDGE, COLORADO

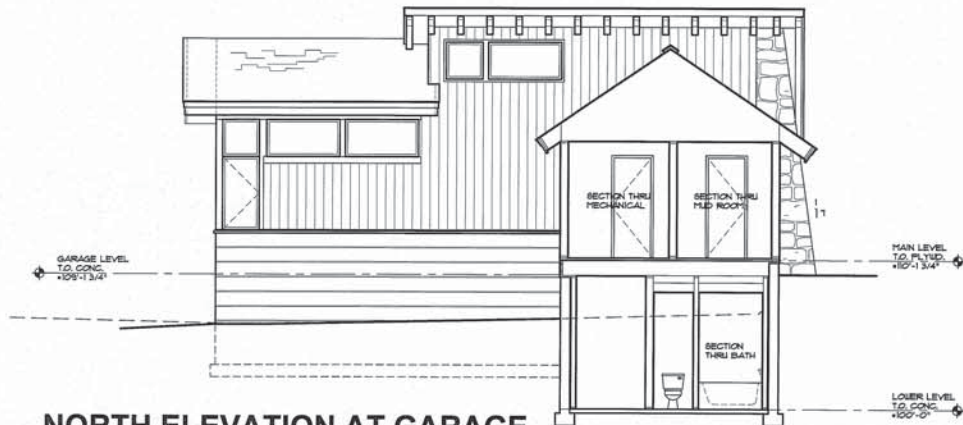
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 SHEET NUMBER:
A-2.1
 BUILDING ELEVATIONS
 CP. 6



SOUTH ELEVATION AT GARAGE

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

NOTE: SEE SHEET A-2.0 FOR TYPICAL NOTES AND MATERIALS



NORTH ELEVATION AT GARAGE

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

REVISIONS:

JOB NO: 1545
 DATE: 09/30/18
 DRAWN BY: L. Gerken
 CHECKED BY: M. Hogan

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PRO. PRELIM # 1
 TOB CLASS C 09/30/18
 11/27/18

bhh Partners
 P.O. BOX 331, 163 EAST ADAMS, BRECKENRIDGE, CO 80424 (970) 453-8480
ROCA RESIDENCE
 228 HAMILTON COURT, LOT 102, DISCOVERY HILL, BRECKENRIDGE, COLORADO

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 SHEET NUMBER

A-2.2
 BUILDING ELEVATIONS

CP: 6

Planning Commission Staff Report

Subject: Motherloaded Tavern Window Replacement (Class C Minor; PC#2011067)

Project Manager: Chris Neubecker, AICP

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

Applicant: Motherloaded Tavern; Leslie Day and Chmurny Cain

Owner: Thomas Bauder

Agent: Matthew Stais, Architect

Proposal: Replace the existing, non-historic façade windows with new historically compatible wood windows. New lower windows will be single-hung, with new transom windows above. New windows are based on historic photographs of the building. No other changes are proposed.

Address: 103 S. Main Street

Legal Description: Lot 2, Bartlett & Shock Subdivision (South 21.64 feet of Lot 1 and north 10.36 feet of lot 2, Bartlett and Shock Subdivision).

Land Use District: 19: Commercial

Historic District: Commercial Core

Site Conditions: The site is developed with an existing restaurant building. The east façade of the building is zero lot line to Main Street, and abuts the public sidewalk.

Adjacent Uses: North: Theobald Building
East: Main Street
South: Goods Retail Building
West: Public Alley

There is no change proposed to the density, mass, height, parking, setbacks, snow storage, or lot coverage. As such, this staff report will not address these issues.

Item History

The existing Motherloaded Tavern building was constructed in 1913 by G.L. Heidman as Rexall Pharmacy, for pharmacists Harry Evans. This concrete and pressed-brick building was stocked with standard drugs, fine toiletries, choice cigars, tobaccos, books, stationary, pianos and art goods. The drugstore became the Coltman Pharmacy in 1935. In 1971 the St. Bernard Restaurant opened in this location under the ownership of Paul Cummins and Jon Kosh. Several others have owned the building since then, which most recently has been owned by Tom Bauder.

The building's integrity has been diminished by the addition of an enclosed entryway on the façade and by the construction of a shed roof addition to the rear of the building. The east façade windows have also been altered, however, the building still likely qualifies for local landmark designation.

Staff Comments

Architectural Compatibility (5/A & 5/R): The proposal includes the removal of the existing non-historic windows on the main (east) façade of the building. The existing diamond pattern windows do not represent the historic character of the building. Furthermore, the small window panes are cracked in several locations, and are not thermally efficient, evidenced by the severe condensation on the interiors during the winter. In addition, the existing windows are non-operable, and the proposed new windows could open in the summer months allowing fresh air and a more “sidewalk café” type experience.

New single-hung, vertically oriented wood windows are proposed along the bottom 3/4 of the façade. These windows would allow the bottom sash to open and close. In addition, new wood transom windows are proposed above the single-hung windows, similar to the original historic windows that were once on this building. The windows will be placed such that they maintain a large amount of glass, which is traditional for a commercial building.

The “Handbook of Design Standards for the Historic and Conservation Districts” supports the proposed façade changes. Specific Design Standards that address the façade on commercial buildings include:

Priority Policy 220: Maintain the clear distinction between first and upper floors.

- *First floors should be predominately glass with a smaller percentage of opaque materials.*
- *First floors should include the traditional kick plate, columns or pilasters, and sign bands.*

Although this is only a one-story building, these Design Standards still apply to the first floor. The proposed design maintains a large percentage of the first floor façade as glass. The faux kick plate (made of brick, and painted yellow, below the windows), and sign band (above the windows) will remain. We note that this building probably never had a traditional wooden kick plate, like the adjacent Theobald building has, since this building was built in 1913 using more modern materials for the time.

Policy 42: Maintain the original size and shape of the store front opening.

- *Preserve the large panes of glass that were a part of the original store front opening if possible. These transparent surfaces allow pedestrians to see goods and activities inside.*
- *If the store front windows have been reduced in size over the years, re-establishing their original dimensions is encouraged. Be certain that the glass fits within the original piers of columns that may exist. These are also essential parts of the design character that add interest and should not be obscured.*

Policy 29: Replacement of missing architectural elements should be based on accurate information about original features.

- *The design should be substantiated by physical or pictorial evidence.*
- *This will avoid misrepresenting the building’s genuine heritage.*

The proposed windows are based on a historic photograph of the building. This photos show windows very similar to the windows proposed. The historic photo shows that two window panes existed on either side of the main entrance, with transom windows above. As proposed, four single hung windows are proposed, in order to allow in fresh air. (We suspect that the original windows on the building were

fixed, and could not have been opened.) Staff supports the replacement of the existing windows with new wood windows, based on photographic evidence.

Unfortunately, neither the Applicants nor the current owner wish to remove the non-historic copper roofed entrance at this time. The current entry design functions as an airlock entry in winter. This non-historic design feature is not appropriate, and staff recommends that in the future, tenants and owners consider removing this addition and restoring the building to its original recessed entry, as recommended by Policy 224.

Policy 224: Maintain the rhythm of recessed entrances that face the street.

- *The pattern of recessed entrances is especially important on Main Street. The perception of this pattern is lost when the primary façade is set back from the sidewalk edge of when doors are set flush with the building front.*
- *Locate doors in recessed entryways to reinforce this rhythm of entrances along the street.*
- *Establish one primary entrance for each 25 foot module.*

Social Community / Historic Preservation and Restoration (24/R): The preservation and restoration of historic structures in town is highly encouraged. The proposed windows will help to restore the building closer to its original appearance. Considering the high visibility of this building, and the fact that essentially only the façade is visible to the public, staff believes that the proposed window replacement is a benefit to the community.

We recommend positive three (+3) points based on the amount of restoration effort. Following are examples of restoration efforts for positive three (+3) and positive six (+6) points.

Positive points will be awarded according to the following point schedule for on site historic preservation, or restoration efforts, in direct relation to the scope of the project, subject to approval by the planning commission.

The construction of a structure or addition, or the failure to remove noncontributing features of a historic structure may result in the allocation of fewer positive points:

+3 On site historic preservation/restoration effort of minimal public benefit.

Examples¹: Restoration of historic window and door openings, preservation of historic roof materials, siding, windows, doors and architectural details.

+6 On site historic preservation/restoration effort of average public benefit.

Examples: Preservation of, or the installation of a new foundation, structural stabilization, complete restoration of secondary structures.

Point Analysis (Section: 9-1-17-3): Staff recommends three (+3) positive points under Policy 24 (Relative): Social Community / Historic Preservation and Restoration, for the restoration of the façade

¹ Examples set forth in this policy are for purpose of illustration only, and are not binding upon the planning commission. The ultimate allocation of points shall be made by the planning commission pursuant to section 9-1-17-3 of this title.

windows. We find no reason to assign any negative points. We also find that the project meets all Absolute policies of the Development Code.

Staff Decision

The Planning Department has approved the Motherloaded Tavern Window Replacement (PC#2011067), with the attached findings and conditions. We recommend that the Planning Commission up hold this decision.

TOWN OF BRECKENRIDGE

Motherloaded Tavern Window Replacement
South 21.64 feet of Lot 1 and north 10.36 feet of lot 2, Bartlett and Shock Subdivision
103 S. Main Street
PC#2011067

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 **October 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 **October 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 **April 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 occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

7. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.
8. Due to the need to encroach onto the Main Street sidewalk and right-of-way to install the windows, the following limitations are hereby placed on this permit for any exterior work related to this permit:
 - a. All work in the Main Street right-of-way shall be completed prior to prior to November 24, 2011.
 - b. All work in the Main Street right-of-way shall take place on weekdays only (Monday through Friday, inclusive)
 - c. All work in the Main Street right-of-way shall take place during good weather only, when no snow removal is expected.
 - d. All work in the Main Street right-of-way shall be completed in a maximum of three (3) days.

PRIOR TO ISSUANCE OF BUILDING PERMIT

9. Applicant shall submit proof of ownership of the project site.
10. 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.
11. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

12. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
13. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
14. 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.
15. 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.

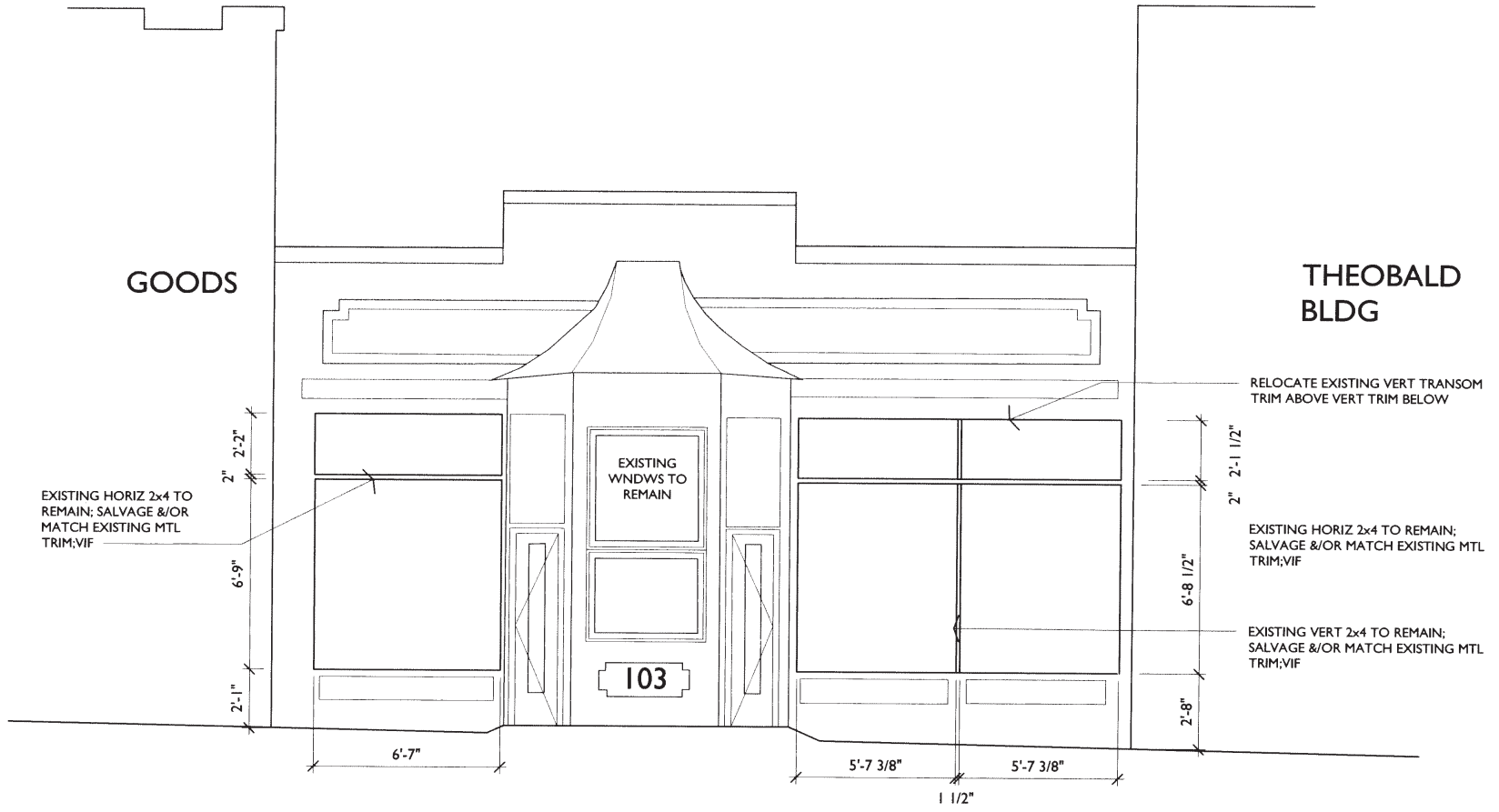
16. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (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.**
17. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.



Breckinridge, Colo.

3 foot snow. April 12 - 1921.

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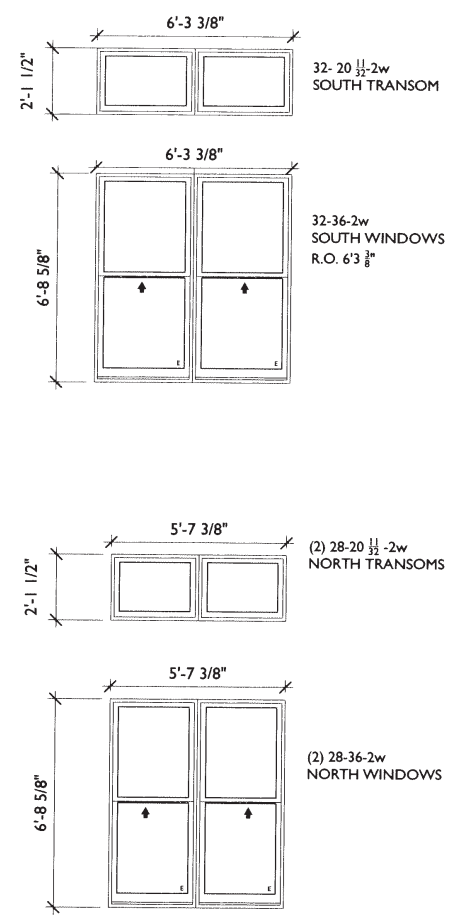
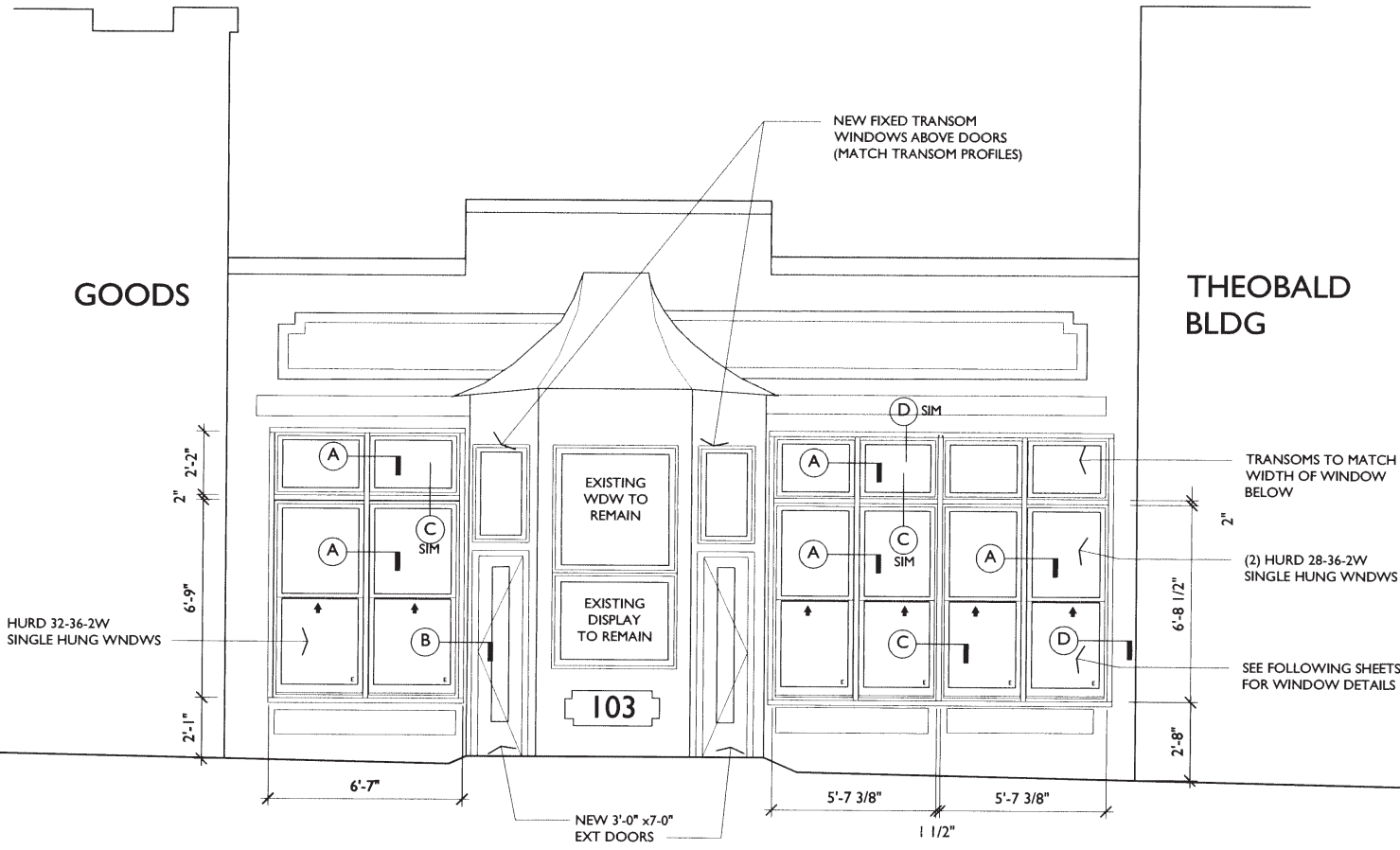
matthew stals architects
 108 north ridge street
 p o box 135
 breckenridge
 colorado 80424
 p: 970 453 0444
 f: 970 453 0443

project: motherloaded tavern	number: 1125	date: 5 oct 2011
drawing: existing elevation (showing window openings)		scale: 1/4" = 1'-0"

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ASK-I

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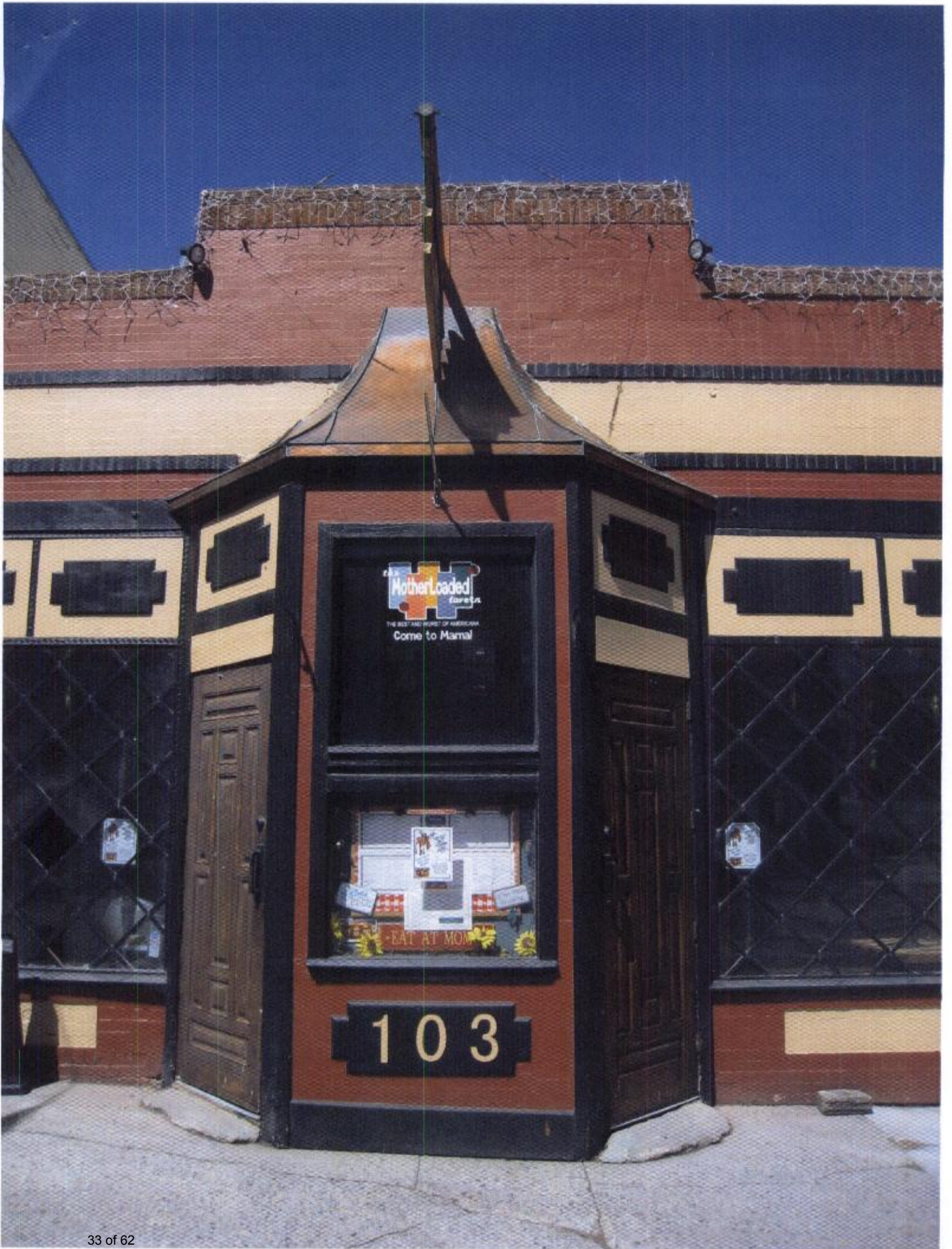
project: motherloaded tavern	number: 1125	date: 5 oct 2011
drawing: proposed east elevation		scale: 1/4" = 1'-0"

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ASK-2











MEMORANDUM

TO: Planning Commission

FROM: Chris Neubecker

DATE: October 13, 2011

SUBJECT: Main Street Improvements

As part of a 2005 master plan to improve the pedestrian experience on Main Street, the Town of Breckenridge is currently implementing several aspects of the project. The master plan was created by Design Workshop after many meetings with staff, Town Council, Public Works and public open houses. The project includes:

- New wayfinding signage (completed)
- New pedestrian crossing “bulb-outs” (partly completed)
- Cleaned up landscaping and amenity zone (partly completed)

In early 2011, the Town Council sought bids for the construction of bulb-outs at the Main Street intersections with Wellington Road, Watson Avenue and N. French Street. However, the bids came in too high and the Town Council decided to wait on these projects until better prices could be obtained. This means that this would likely happen in 2012 or later.

Instead of installing the bulb outs in this year, Town Council decided to move forward with other aspects of the project. The work current being installed along the 100 south block of Main Street includes:

- 36 new Aspen trees
- Flagstone pavers in the amenity zone (between the curb and sidewalk)
- Removal of some ground level vegetation
- Electrical infrastructure for special events

Landscaping that was removed from the amenity zone will be replaced in the summer months with hanging flower baskets and moveable planter boxes. It is possible that similar work will be completed on the 200 south and 300 south blocks of Main Street in 2013. The Main Street project is being broken into smaller yearly projects partly due to the limited construction season.

Staff will be available to answer questions from the Commission during the meeting on Tuesday.

Planning Commission Staff Report

Project Manager: Julia Puester, AICP

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

Subject: (Class A, Public Process Hearing; PC#2011065)

Applicant/Owner: Town of Breckenridge

Agent: Brian Waldes, Finance Director, Town of Breckenridge

Proposal: A proposal to install a 2 megawatt photovoltaic (PV) solar garden on a 10 acre portion of the McCain property. The proposed solar panels would consist of approximately 8,333 panels in 27-30 rows and produce approximately 300,000 kWh of energy per year.

The proposed solar panels would be managed by Colorado Energy Cooperative. They would then sell panels to residents and businesses within the entire Summit County area who would pay the upfront cost of the panels purchased which in turn, Xcel Energy would credit the purchaser's Xcel bill monthly for their share of the value of the energy produced.

Address: 12920 CO Highway 9 (north of Coyne Valley Road and west of CO Highway 9)

Legal Description: McCain Property (A resubdivision of B&L MS 14044, Annie MS 14044, Bryan Placer MS 14025 & Fairview Placer MS 13660)

Site Area: 10 acres of the 102 acre site

Land Use District: 43: Recreational, Open Space, Governmental Uses, Mining

Site Conditions: This 10 acre portion of the site is stepped with two primary differing grades and covers previously disturbed dredged area. The Blue River is located to the west and the Highway and Summit County bike path to the east. The northern half of the location has an existing berm, and some mature lodge pole pine trees toward the southern half of the eastern property line.

Adjacent Uses: North: Alpine Rock Processing Plant and service commercial land uses
South: Coyne Valley Rd/Colorado Mountain College
East: CO Highway 9/Silver Shekel Subdivision
West: Red Tail Ranch Subdivision/ US Forest Service

Height: Recommended: No more than 2 full stories
Proposed: 9'4" structure height of panels on mounting system

Lot Coverage: Building / non-Permeable: 0 sq. ft. (0% of site)
Hard Surface / non-Permeable: 0 sq. ft. (0% of site)

Setbacks:	Front:	200 ft.
	Side:	800 ft.
	Side:	20 ft.
	Rear:	450 ft.

Staff Comments

This project does not include the construction of any buildings, and hence does not affect the allowed density, mass or parking. It also does not create additional paved surfaces, and will not affect drainage. It also has no impact on the need for employee housing. This report will not discuss any of these items which do not apply to the application.

The exact siting of the solar garden as proposed may change as the Town Council reviews the plan and the Town determines existing and renegotiated leases currently existing throughout the McCain property.

The Town will be submitting a Request for Proposal (RFP) to Xcel Energy with this preliminary information for their selection process. Should the Town’s solar garden project be selected, we will move forward on finalizing the exact location of the panels on the site.

Public Projects Process

Since this is a public project, the Planning Commission is asked to review the proposal for compliance with applicable policies, and make a recommendation to the Town Council, in order that the proposed project conform to the Town’s Master Plan and ordinances, insofar as practical. For this reason, staff will identify the issues that we find relevant, and we will compare those policies with the proposed project. If the Commission finds other issues that have not been addressed by the Staff, we ask that you mention these concerns during the public meeting on Tuesday evening so that they can be forwarded to the Town Council. We also have included a point analysis.

Land Use (Policies 2/A & 2/R): Land Use District 43 was created in 2003 to allow for recreational, open space, governmental uses, and mining and processing operations. Staff believes the solar garden is a governmental use which would benefit the community that could be allowed in Land Use District 43.

Architectural Compatibility (5/A): This policy addresses issues of architectural compatibility of buildings, as well as solar panel installations. The policy identifies a priority preference list for the location and type of solar panels. Following are the preference order for solar panels outside the conservation district:

Outside of the Conservation District a solar device shall be located based upon the following order of preference. Preference 1 is the highest and most preferred; preference 6 is the lowest and least preferred. A solar device shall be located in the highest preference possible. The order of preference for the location of a solar device outside of the Conservation District is as follows:

- (1) as a building-integrated photo-voltaic device;*
- (2) flush mounted (9” above the roofline) panel on an accessory structure roof, or as a detached array of solar devices;*

- (3) flush mounted roof panel on the primary structure or screened detached array;
 - (4) a tilted roof mounted panel that is not highly visible from the public right of way;
 - (5) a tilted or angled and tilted roof mounted panel that is not highly visible from the public right of way; and
 - (6) a tilted or angled and tilted roof mounted panel that is highly visible from the public right of way.
- (Emphasis added)**

This policy also considers the visibility of solar panels from adjacent properties and from public rights-of-way. It encourages that visibility of panels be reduced to the extent possible.

(e) The location of detached solar devices shall also consider visibility from adjacent properties and public right of way, which shall be reduced to the extent possible while still maintaining solar access. Detached solar devices which serve the structure on the site may be located outside of the building or disturbance envelope if no significant existing vegetation must be removed for the installation and an adequate buffer is provided to adjacent properties.

As this is a benched site on the valley floor, the primary visibility from adjacent properties would be from those looking down onto the site. The intent of this policy is to encourage solar panels in the locations that have the least visual impact on the community and adjacent properties while still maintaining good solar access. In this case, there is an ability to provide some additional screening with trees and/or increasing the height of the existing berm, to improve screening from the Highway which sits above the site.

It would be much more difficult to screen the solar garden from properties that look down onto the site from the adjacent subdivision of Silver Shekel. (Public notice has been mailed out to property owners within 300' of the McCain property and the property has been posted). Should the Planning Commission have feedback that additional screening be recommended, please raise this concern at the meeting.

Site and Environmental Design (7/R): This policy encourages design that is compatible with the natural features of a site, including topography and vegetation. It also encourages projects to provide visual buffering, and to limit the amount of paved surfaces, as well as to avoid development on physically constraining portions of the site.

2X(-2/+2) A. *Site Design And Grading: In order to reduce the amount of site disturbance, including vegetative removal, developments should be designed in a manner that minimizes the amount of cut and fill on a site, particularly those areas visible from adjacent properties and rights of way. Placement of buildings on the site should be accomplished in a manner that further minimizes new grading and any vegetative removal necessary for site access and drainage. Grading large areas to create a flat "benched" building pad is strongly discouraged unless disruption is planned to be minimized with a mechanical shoring method. The town must approve any such plan.*

The site will need to be graded flat in order to install the solar panels. This site is already disturbed by historic dredge activity and mining. It is currently a benched site, with two differing primary grades. Based on past precedent, no negative points have been assigned for grading on sites which have been disturbed by historic dredge and mining operations. Staff recommends that no negative points are applicable under this section of Policy 7/R.

4X(-2/+2) B. *Site Buffering: Developments should be buffered from adjacent properties and*

public rights of way. To achieve this, buildings and other development impacts should be located in a manner that allows for site buffering (existing or proposed). Buffering between the developments and neighboring properties may include, but are not limited to:

- *Existing mature tree stands.*
 - ***The physical distance from property edge to the development.***
 - *New landscaping.*
 - *Landscaped berms at the property perimeter.*
- (Emphasis added)**

Providing greater buffers than those required by building envelopes, disturbance envelopes, designated building locations, and/or recommended setbacks are encouraged. However, positive points awarded under this portion of this policy for new landscaping or landscaped berms shall not be awarded positive points under Policy 22 (Relative)(Landscaping) of this Chapter.

The proposed panels will be visible from CO Highway 9 with some screened sections to the 10 acre portion of the parcel. The site sits well below the grade of the Highway. The northern half of the location is partially buffered by an existing berm on the east, providing some screening from the Summit County bike path. The southern half of the site has some mature lodge pole pine trees to the east.

The panels would be located approximately 200 feet from the right of way, providing a relatively large distance from the property edge to the improvements. Based on this policy, staff recommends the assignment of negative four (-4) points as much of the solar garden will be visible.

Placement of Structures (9/A & 9/R): As a non-residential project, the proposed solar panels are not required to meet a specific setback from the property line. The panels would remain on Town owned property, and would not encroach into any adjacent property. The closest property line to the proposed panels is the Alpine Rock property to the north. The panels would be approximately 20 feet from the northern property line, adjacent to Alpine Rock.

Snow Removal and Storage (13/R): The proposed panels are raised above grade and the rows of panels would be spaced at least 20 feet apart so that they could achieve snow removal from snow sliding off of the panels for maintenance purposes. Staff has no concern with the snow removal or snow storage.

Landscaping (22/A & 22/R): This policy encourages developments to maintain healthy trees and to provide landscape improvements for the purposes of: complementing the natural landscape and retaining the sense of a mountain environment; improving the general appearance of the community and enhancing its aesthetic appeal; preserving the economic base; improving the quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the adverse effects of climate, aspect, and elevations; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving air and water quality.

2 x (-1/+3) A. All developments are strongly encouraged to include landscaping improvements that exceed the requirements of Policy 22 (Absolute), "Landscaping", of this Chapter. New landscaping installed as part of an approved landscape plan should enhance forest health, preserve the natural landscape and wildlife habitat and support fire-wise practices. A layered landscape consistent with the Town's mountain character, achieved through the use of ground covers, shrubs, and trees that utilize diverse species and larger sizes where structures are screened from view sheds, public rights of way and other structures, is strongly encouraged.

The resulting landscape plan should contribute to a more beautiful, safe, and environmentally sound community.

B. To meet the goals described in Section A of this Policy compliance with the following relative landscape standards is encouraged. An application shall be evaluated on how well it implements the following:

- (1) At least one tree a minimum of eight-feet (8') in height, or three inch (3") caliper, should be planted at least every fifteen feet (15') along all public rights of way adjacent to the property to be developed.*

No new landscaping is proposed at this time. Staff recommends negative two (-2) points which is the maximum number of negative points under this policy.

Social Community / Community Needs (24/R): Each year the Town Council identifies its yearly goals and objectives in a list called Council Goals.

3 x (0/+2) B. Community Need: Developments which address specific needs of the community which are identified in the yearly goals and objectives report are encouraged. Positive points shall be awarded under this subsection only for development activities which occur on the applicant's property.

The most recent Council Goals identify using renewable sources of energy as one of its priorities, and the proposed solar panels help to meet that goal. Staff recommends positive six (+6) points under Policy 24 for Council Goals.

Point Analysis (Section: 9-1-17-3): Staff recommends positive six (+6) points under Policy 24/R-Council Goals for the use of renewable energy. We recommend negative four (-4) points under policy 7/R-Site and Environmental Design for lack of buffers and negative two (-2) points under Policy 22/R-Landscaping for lack of new plantings. This would result in a passing score of zero (0) points.

Staff Recommendation

Staff supports the use of renewable sources of energy as an active step to reduce the Town's carbon footprint. The Planning Department has no concerns with the installation of solar panels on the McCain property.

Since this is a Public Project, the Planning Commission will be asked to make a recommendation to the Town Council, and the Town Council will make a final decision.

Final Hearing Impact Analysis				
Project:	McCain Solar Garden	Positive	Points	+6
PC#	2011065			
Date:	10/12/2011	Negative	Points	- 6
Staff:	Julia Puester			
		Total	Allocation:	0
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	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	Density/Intensity	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	Architectural Compatibility / Historic Priority Policies	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 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	Building Height	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)	- 4	Panels will be slightly visible from CO Highway 9 and from uphill properties.
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	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	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	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	External Circulation	Complies		
18/A	Parking	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	Loading	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	Landscaping	Complies		
22/R	Landscaping	2x(-1/+3)	- 2	No additional landscaping is proposed to create screening from adjacent properties or Highway .
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)	+6	Use of renewable sources of energy for the community are a priority for the Town Council.
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	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	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	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37/R	Cucumber Gulch/Setbacks	2x(0/+2)		
37/R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	Home Occupation	Complies		
39/A	Master Plan	Complies		
40/A	Chalet House	Complies		
41/A	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
43/A	Public Art	Complies		
43/R	Public Art	1x(0/+1)		
44/A	Radio Broadcasts	Complies		
45/A	Special Commercial Events	Complies		
46/A	Exterior Lighting	Complies		
47/A	Fences, Gates And Gateway Entrance Monuments	Complies		
48/A	Voluntary Defensible Space	Complies		

TOWN OF BRECKENRIDGE

McCain Solar Garden
McCain Property
12920 CO Highway 9
PC#2011065

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 **October 11, 2011**, and findings made by the Town Council 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 **October 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 **April 18, 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 or certificate of completion for the project covered by this permit. The determination of whether a certificate of occupancy or certificate of completion 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. All solar devices and related mechanical equipment and mounting structures shall be non-reflective.
9. Any solar devices that falls into a state of disrepair or that ceases to be fully operational for more than 90 days shall be removed and properly discarded. The landowner's obligation to comply with this requirement shall be contained in a recorded restrictive covenant acceptable in form and substance to the Town Attorney.

PRIOR TO ISSUANCE OF BUILDING PERMIT

10. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans. This shall include silt fencing in areas with wetlands within 100 feet of the proposed ground-mounted solar panels.
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 Completion.
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 install construction fencing and erosion control measures at the 25-foot no-disturbance setback to streams and wetlands in a manner acceptable to the Town Engineer.
15. No exterior lighting is approved with this permit.
16. No signs are approved with this permit.

PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLETION

17. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
18. Applicant shall paint all metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes associated with the solar panels a flat, dark color or to match the building color.
19. 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.

20. 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 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.
21. 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.**
22. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.





2 MW PV System - 100 kW per row
Area = 750' x 600' = 10.3 acres





MEMORANDUM

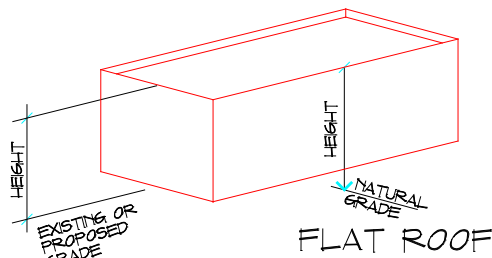
TO: Planning Commission
FROM: Chris Neubecker
DATE: October 13, 2011
SUBJECT: Gold Creek Condominiums: Remodel and Height Waiver (Work Session)

Gold Creek Condominiums at the southeast corner of N. Main Street and N. French Street is considering a major remodel. As part of this remodel, Sonny Neely of Neely Architecture has created some preliminary concepts on how the building might look. The preliminary plans envision the use of timber beams and roof components that would extend above the existing building height. The existing flat roofed building is approximately 34' tall. The recommended building height in this Land Use District is two stories, or twenty-six (26') feet.

Following is the building height measurement method for multi-family buildings outside the Historic District:

(Note: The building is outside the Historic District, but within the Conservation District).

(A.) *Measurement to the highest point of a flat or mansard roof: The greatest dimension, measured vertically, of a building between the highest point of a flat or mansard roof, including the cap of*



parapet, to a point measured directly below as described below.

(D.) *Exceptions: Building height measurement shall not include:*

(2.) *For Non-residential structures and Multi-family structures: Elevator shaft extensions, chimneys, and focal elements such as church steeples, spires, clock towers or similar structures that have no density or mass, (in no instance shall any these structures extend over ten (10) feet above the specified maximum height limit) or the first five (5) feet of height within the first floor common area lobbies in Multi-Family structures. (Emphasis added).*

The maximum height limit in this Land Use District is two stories above the “recommended height”, which would be a maximum height of 50’. The proposed features would be about 41’ above grade.

In addition, screening of mechanical equipment is encouraged by the code. The applicants are proposing to install solar panels on the roof of the building, and the taller parapet walls and tower elements would help to screen the panels. The Applicant would like to know if the parapet and tower features that are shown on the draft plans would be waived from the height requirement.

Staff believes that the proposal does qualify as an exemption based on the criteria listed above. We support this application moving forward without the allocation of negative points for building height, since we believe that the additional height is exempt. However, would like Commissioner input on this proposal.

Questions:

1. Does the Commission agree that the additional parapet walls and tower elements are exempt from the building height measurement?
2. Does the Commission have any other general feedback on the proposal?



J. LEE NEELY • ARCHITECT

P.O. Box 3687 • 1705 Airport Road, Unit 5
Breckenridge, Colorado 80424
970-547-0554 • Fax 547-0564
jlnarch@colorado.net

October 13, 2011

Re: Gold Creek Condominiums Exterior Renovation

Dear Planning Commissioners,

RECEIVED
OCT 14 2011

TOWN OF BRECKENRIDGE
PLANNING DEPT

Thank you for taking a look at our proposal to renovate the exterior of the existing Gold Creek Condominium Building located at 326 North Main Street.

The intent of this proposal is to create an attractive building at the entry to town with interesting dynamic features that blend in with the town's architecture by increasing the size of the structural components and combining the available natural looking materials to cover the existing precast concrete panels for a complete exterior renovation.

The new angled deck extension and roof component at the Northwest corner of the building would break away from the square form to reach out to the southbound traffic entering town. The structure would be comprised of large timber posts and beams to bring a more appropriate scale to the building.

The new stair structure, built of the same timber materials, would create an extension to the center of the building to add a visual focal point to the entry areas of the building, on both the East and West elevations.

The addition of the parapet walls around the perimeter of the existing roof would act as a capping or roof component to add visual interest and appearance to the existing flat roof.

The parapet walls and gabled roof elements would be used for screening of the solar water heating system.

The stair tower roof proposed is 5'-10 1/2" above the 35' and the other roof elements are 4'-10 1/2" above. The roof elements would contain no density.

To utilize the existing small dimension steel columns and create larger wood columns, the steel columns would be wrapped with timber material. The same would be done at the thin floor slabs by adding timber band boards on the edges. All the horizon metal railings would be replaced with the safer vertical metal balusters and wood top and bottom rails.

The precast concrete panels would be covered with stone veneer and natural looking horizontal siding materials (see attached plans). The exterior finish materials would be stained or painted using earth tone colors.

Thanks again for your time in reviewing our concept proposal.

J. Lee Neely

GOLD CREEK CONDOMINIUMS

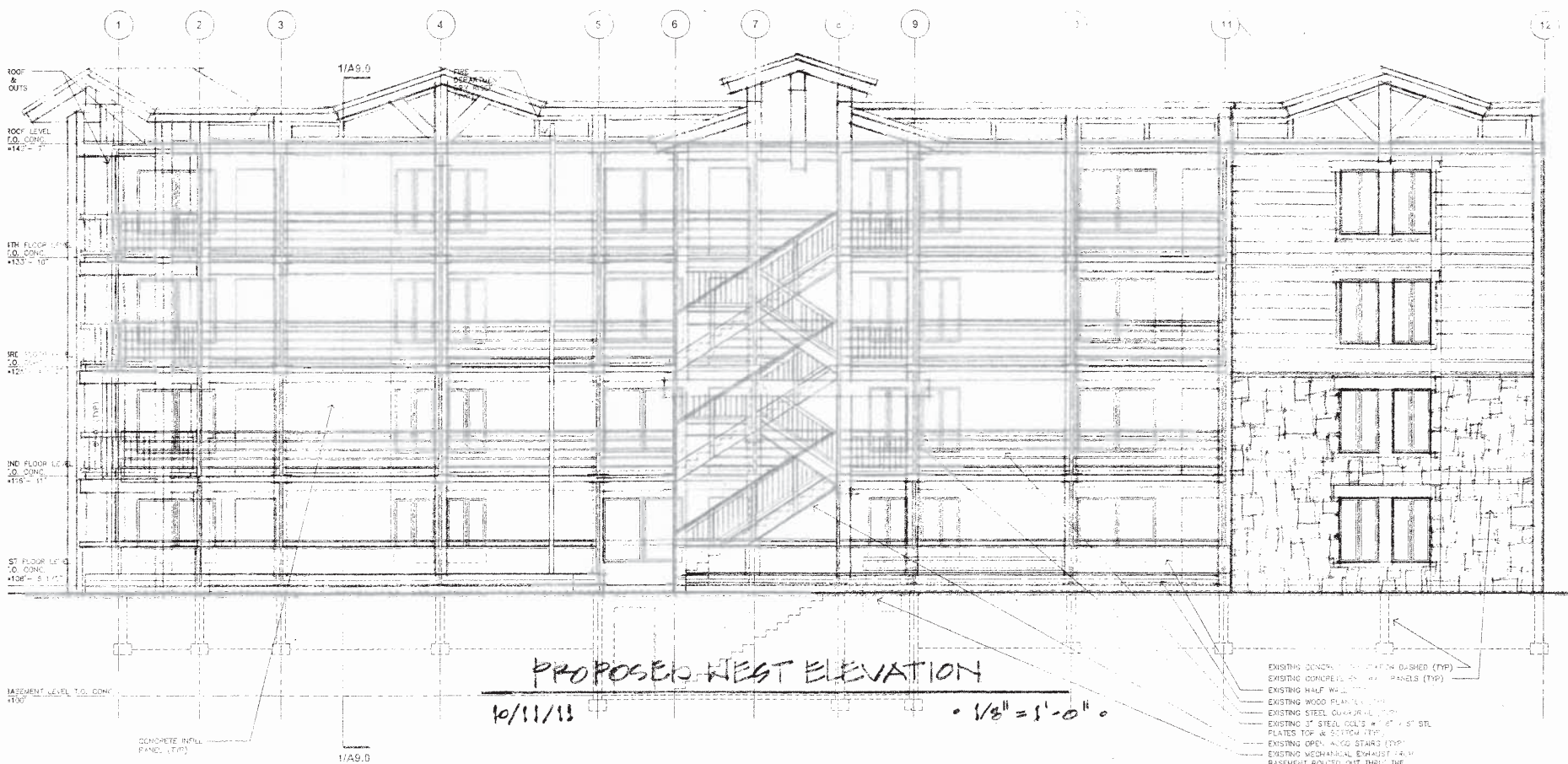
326 NORTH MAIN STREET
BRECKENRIDGE, COLORADO. 80424

Job #

Date: April 27th, 2010

Issued for Review

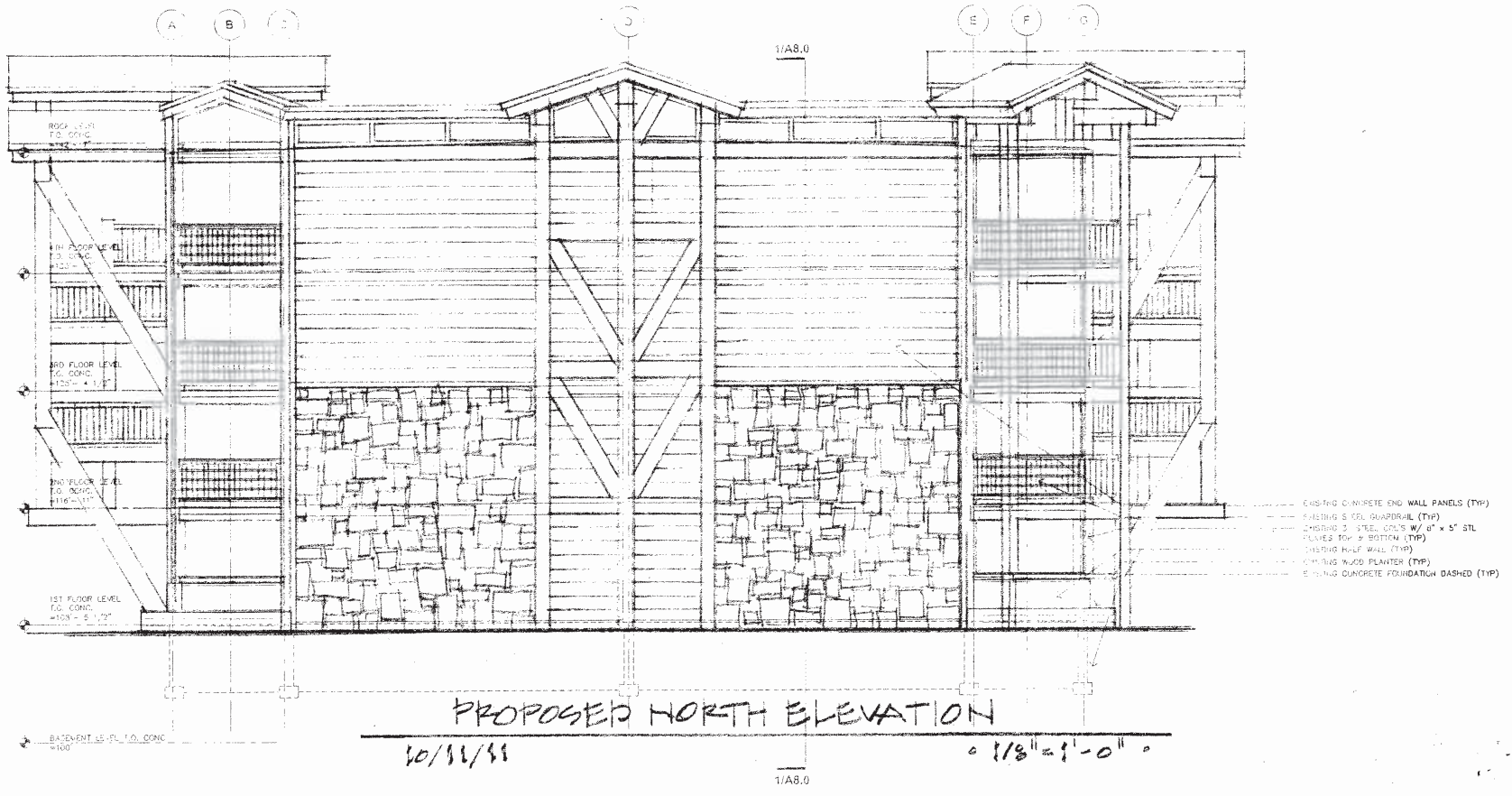
A4.0



PROPOSED WEST ELEVATION
10/11/13 • 1/8" = 1'-0"

1/A4.0 EXISTING WEST ELEVATION

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



NEELY ARCHITECTURE
 J. LEE NEELY ARCHITECT
 P.O. Box 9697
 1703 Airport Road, Unit 5
 Breckenridge, Colorado 80424
 970.547.0554
 Fax: 547.0564
 jneely@colorado.net

GOLD CREEK CONDOMINIUMS
 326 NORTH MAIN STREET
 BRECKENRIDGE, COLORADO. 80424

Job #
 Date: April 27th, 2010
 Issued for Review

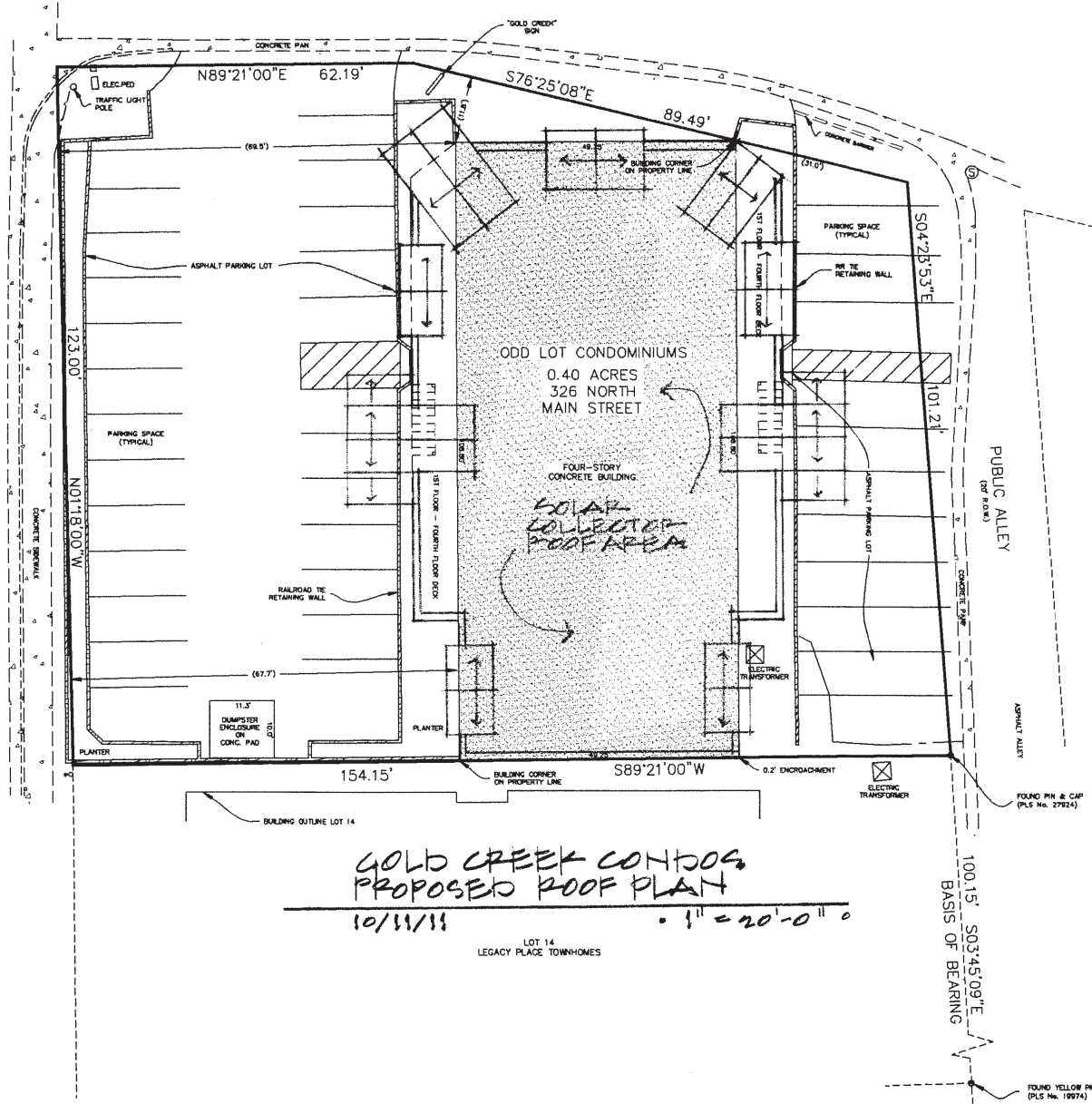
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FRENCH STREET
(45' R.O.W.)

GRAPHIC SCALE

(OF FEET)
1 inch = 10 ft.

MAIN STREET



**GOLD CREEK CONTOUR
PROPOSED ROOF PLAN**
10/11/11 • 1" = 20'-0" = 0

LOT 14
LEGACY PLACE TOWNHOMES

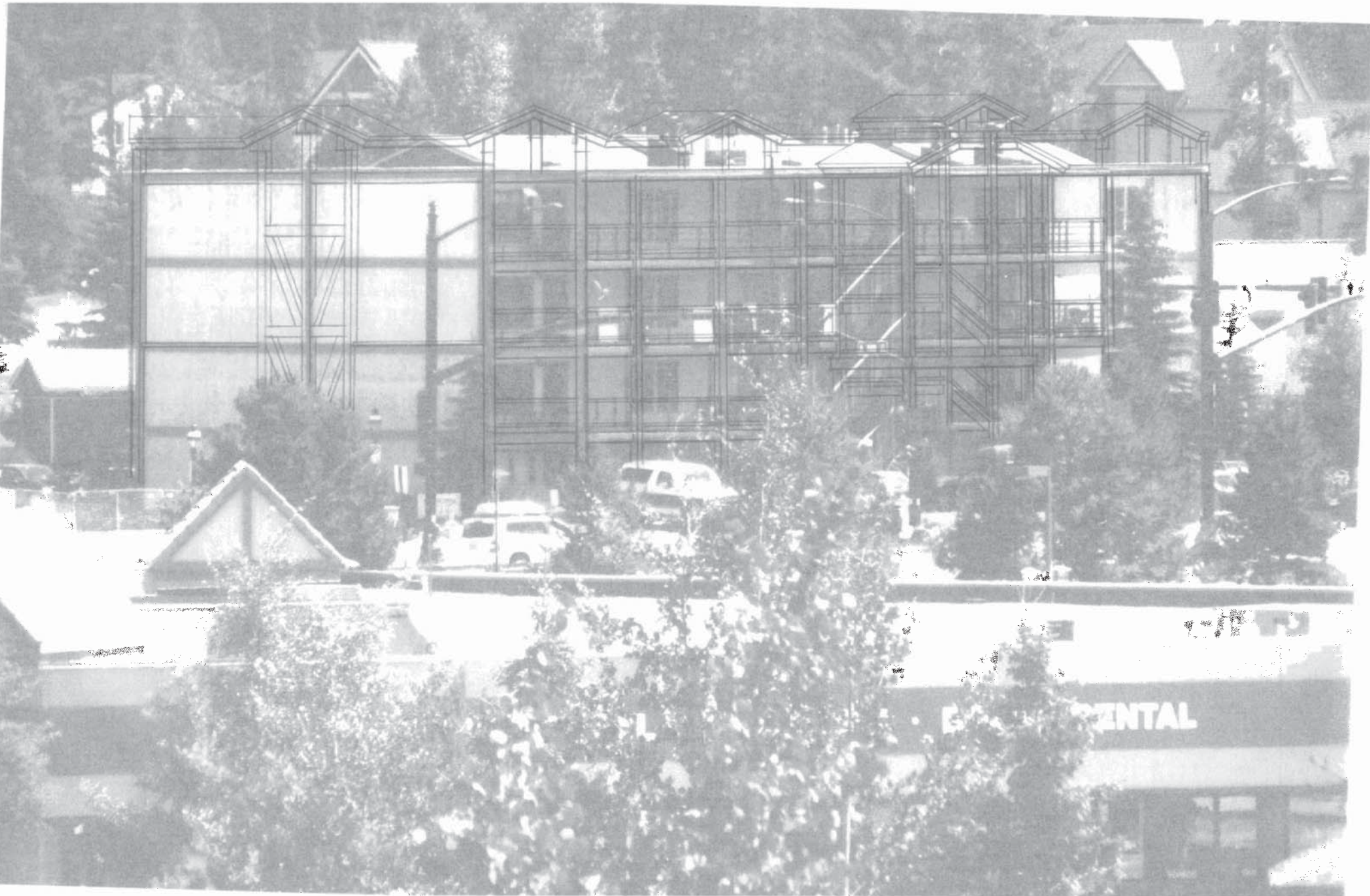
IMPROVEMENT LOCATION CERTIFICATE
I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR GOLD CREEK CONDOMINIUMS HOA / PATRIOT PROPERTY MGMT. THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES.
I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THE DATE 4/27/10, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

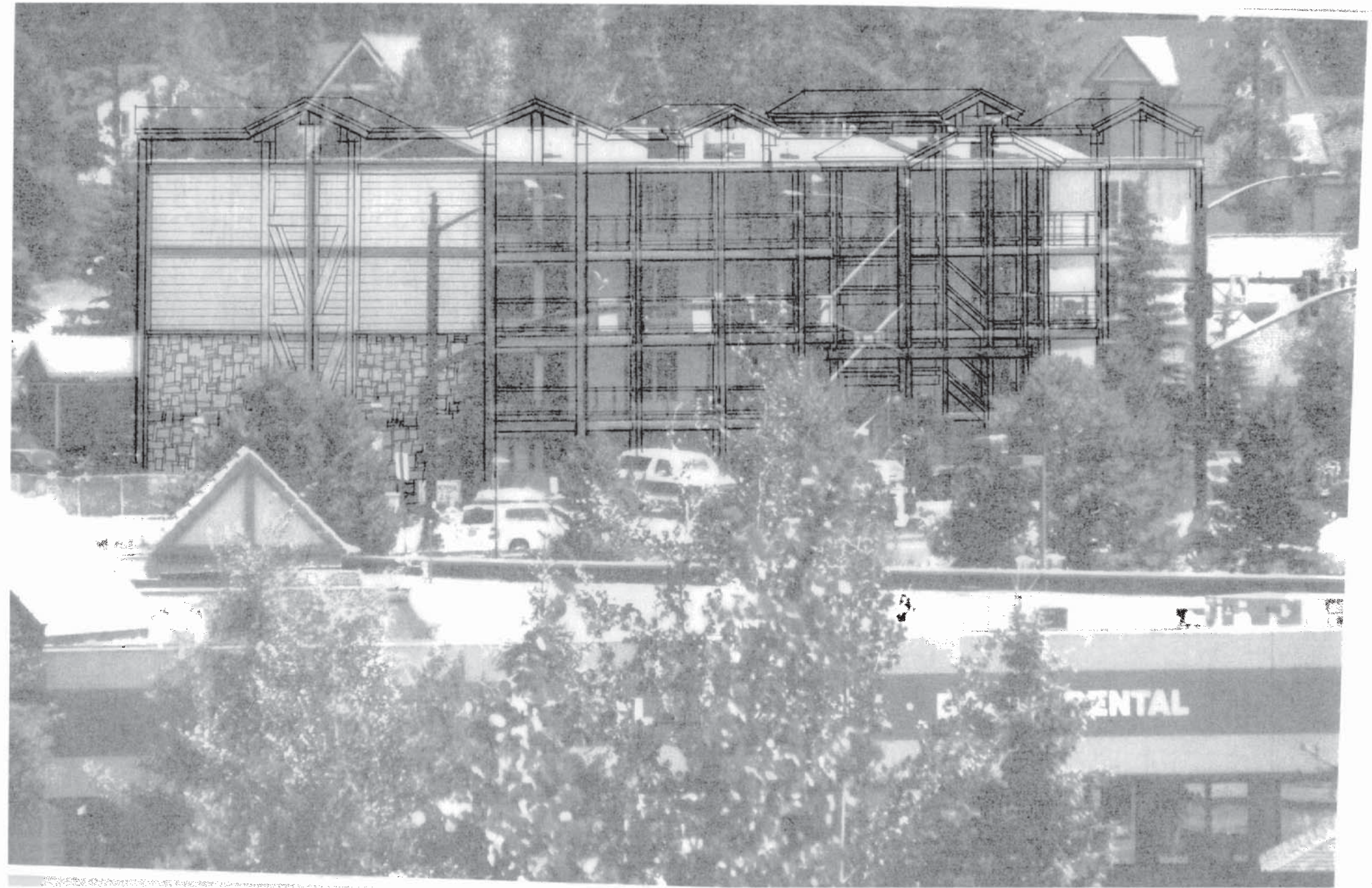
DATE: _____
ELIZABETH SCHMIDT
COLORADO P.L.S. NO. 37047

Drawn EKS	Dep 1185A.C.D.W.G	Project 1185
Date 4/20/10	Scale 1" = 10'	Sheet 1 of 1
<p>SCHMIDT LAND SURVEYING, INC. P.O. Box 5761 FRISCO, CO 80443 970-409-9963</p>		

NO. 2000
OF SURVEY: APRIL 27, 2000.
CONDOMINIUM PLAN FOR ODD LOT CONDOMINIUMS WAS RECORDED NOVEMBER 2, 1998
COPYING IS UNLAWFUL IN THE SHERIFF COUNTY CLERK AND RECORDS OFFICE.
1. OF RECORDING: THE RECORDING FEE AND CAP REQUIREMENT IS AS SHOWN AT THE
QUARTY CORNER OF ODD LOT CONDOMINIUMS AND THE ODD LOT CONDOMINIUMS
RECORDS OFFICE AT THE SOUTHWEST CORNER OF LOT 14, LEGACY PLACE TOWNHOMES.
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Planning Commission Staff Report

Project Manager: Matt Thompson, AICP

Date: October 12, 2011 (For Meeting of October 18, 2011)

Subject: Ali's Pals Home Childcare Business, Class B Minor, Combined Hearing (PC #2011066)

Applicant/Agent: Ali and Cory McAlpine

Proposal: To use the single-family residence of 1,173 sq. ft., at 12 Leap Frog Green, for the operation of a home child care business. This application is required pursuant to Ordinance 15, Series 2005. Per policy 38.5 (Absolute) Home Childcare Business (38.5/A), the business will always be limited to the care of a maximum of twelve (12) children. The business will meet the State Childcare Licensing requirements. The applicant has stated there will be no more than six children at the home five days a week. The owner of the home will be the only employee running the home childcare business.

Address: 12 Leap Frog Green

Legal Description: Lot 1A, Block 9, Wellington Neighborhood II

Land Use District: 16 – Residential

Adjacent Uses: North: French Gulch Road
East: Single-family
South: Single-family
West: Alley

Item History

Town Council passed Ordinance No. 15, Series 2005, in order to create an approval process for home child care businesses to operate in Breckenridge; this is now called Policy 38.5. This Ordinance was passed because child care is a Town Council priority, and the Town Code (Policy 38/A – Home Occupations) did not allow for home child care businesses before this Ordinance was adopted.

Staff notes that Policy 38.5 allows only the operation of a home childcare business to be subject to special review. It does not provide a mechanism for special approval criteria of any other home occupation(s) that may be provided in conjunction with a home child care business. All other home occupations are considered separate businesses and must meet the criteria of Policy 38/A - Home Occupations.

Staff Comments

Noting the lack of childcare facilities in the community, the Town Council has identified Day Care as a "Priority Goal". The applicant hopes to continue to help meet this goal by offering a Home Childcare Business. Typical hours of the applicant's operation are from 7:30 am to 5:30 pm, Monday through Friday while closed on weekends and holidays.

Staff notes that those Development Code policies relevant to the scope of this application outlined in Policy 38.5 – Home Child Care Businesses, are the only criteria by which this request will be reviewed.

Approval Criteria: The applicant has applied for the State License to operate a childcare facility, however at this time they are still waiting for approval from the State. A Condition of Approval has been attached that requires the applicant to provide the Town Planning Department with a copy of this license every time it is annually renewed.

Also, as a Condition of Approval, the applicant shall confirm in writing to limit the number of children in her care at any one time to a maximum of 12. The applicant understands these conditions and has agreed to abide with them.

Policy 38.5 allows the home childcare owner to have up to one employee that is not related by blood or marriage. Ali McAlpine will be the only employee. Cory McAlpine, Ali's Husband, will not be involved in the day to day operation of the Home Childcare Business.

Outside play areas for the children are indicated on the site plan in the back yard.

With approval of this application, the applicant shall be required to obtain a Town of Breckenridge business license on an annual basis, and applicant shall process a Class D Permit on an annual basis for renewal (fee waived) of this home childcare business license. Conditions of Approval indicating such have been added.

Breckenridge Building Department Staff has completed a site visit to the property and found that the house meets current Building Code requirements.

Compatibility: Policy 38.5 indicates that proposed child care businesses must be found to be compatible with adjacent property and land uses. The Policy further defines adjacent properties as "*all those units, lots and parcels located within a radius of one hundred feet from the site of the proposed home child care businesses, disregarding intervening public streets and alleys*". Staff has notified all adjacent property owners both by mail and by posting the site. Staff has received one (1) letter of support for the proposed home childcare business. Staff has received no letters opposed to the proposed home childcare business.

Parking: Per Ordinance 15, Series 2005, there shall be no additional parking requirement imposed for a home child care business in excess of the parking required for the existing residential use where the home child care business is proposed to be operated. The applicant has indicated that of the six (6) children who could attend the childcare facility, five (5) will be walked to school by their parents. There is a two car parking pad off of the alley. There are also four guest parking spaces for the green.

Point Analysis: Again, at the time of adoption of the Ordinance that created Policy 38.5 – Home Child Care Businesses, the Town Council directed staff to use this newly created policy as the only criteria to be used in the evaluation of future applications. As this is an Absolute Policy, no negative points were assigned.

Staff Conclusion

If the Commission finds the application to be compatible with the adjacent properties, then it is Staff's recommendation that the Planning Commission approve this application, Ali's Pals Home Childcare Business, located at 12 Leap Frog Green, PC#2011066, with the attached Findings and Conditions.

TOWN OF BRECKENRIDGE

Ali's Pals Home Childcare Business
12 Leap Frog Green
Lot 1A, Block 9, Wellington Neighborhood II
PERMIT #2011066

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 October 12, 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 October 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 twelve (12) months from date of issuance, October 25, 2012.
4. Renewal of this permit shall be processed on an annual basis with a Class D Development Permit Application.
5. This permit is assigned to Ali and Cory McAlpine and is non-transferable.
6. Applicant shall submit a written statement in which the applicant agrees to limit home childcare to a maximum of 12 children, at any given time.
7. Applicant shall submit a copy of the State Child Care License to the Town of Breckenridge Planning Department on an annual basis.

8. Applicant shall be in possession of a valid Town of Breckenridge Business License at all times.
9. 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.
10. This permit contains no agreement, consideration, or promise that a renewal certificate will be issued by the Town. A renewal certificate will be issued only in accordance with the Town's planning requirements/codes and building codes.

October 11, 2011

Town of Breckenridge Planning Commission
150 Ski Hill Road
Breckenridge, CO 80424

RECEIVED
OCT 11 2011
TOWN OF BRECKENRIDGE
PLANNING DEPT

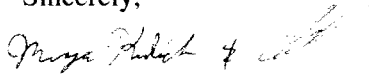
Dear Commissioners

We are writing you to express our support of the proposed in-home childcare center located at 12 Leap Frog Green. As residents of 28 Leap Frog Green we share a common green and alleyway with the applicants and are comfortable with their proposed operation. Presently all households on Leap Frog Green have children of approximately the same age as those that will be attending the daycare making the proposed daycare a natural fit.

The Wellington Neighborhood is a center piece of the Town's ambitious workforce housing program and its character is overwhelmingly tied to families and kids. Due to its demographics, an in-home daycare is as appropriate here as any place in Town.

We appreciate the efforts the Town has taken to support quality workforce housing and childcare. We believe this application furthers the Town's mission and satisfies the requirements of Policy 38.5.

Sincerely,



Maya & Chris Kulick
28 Leap Frog Green