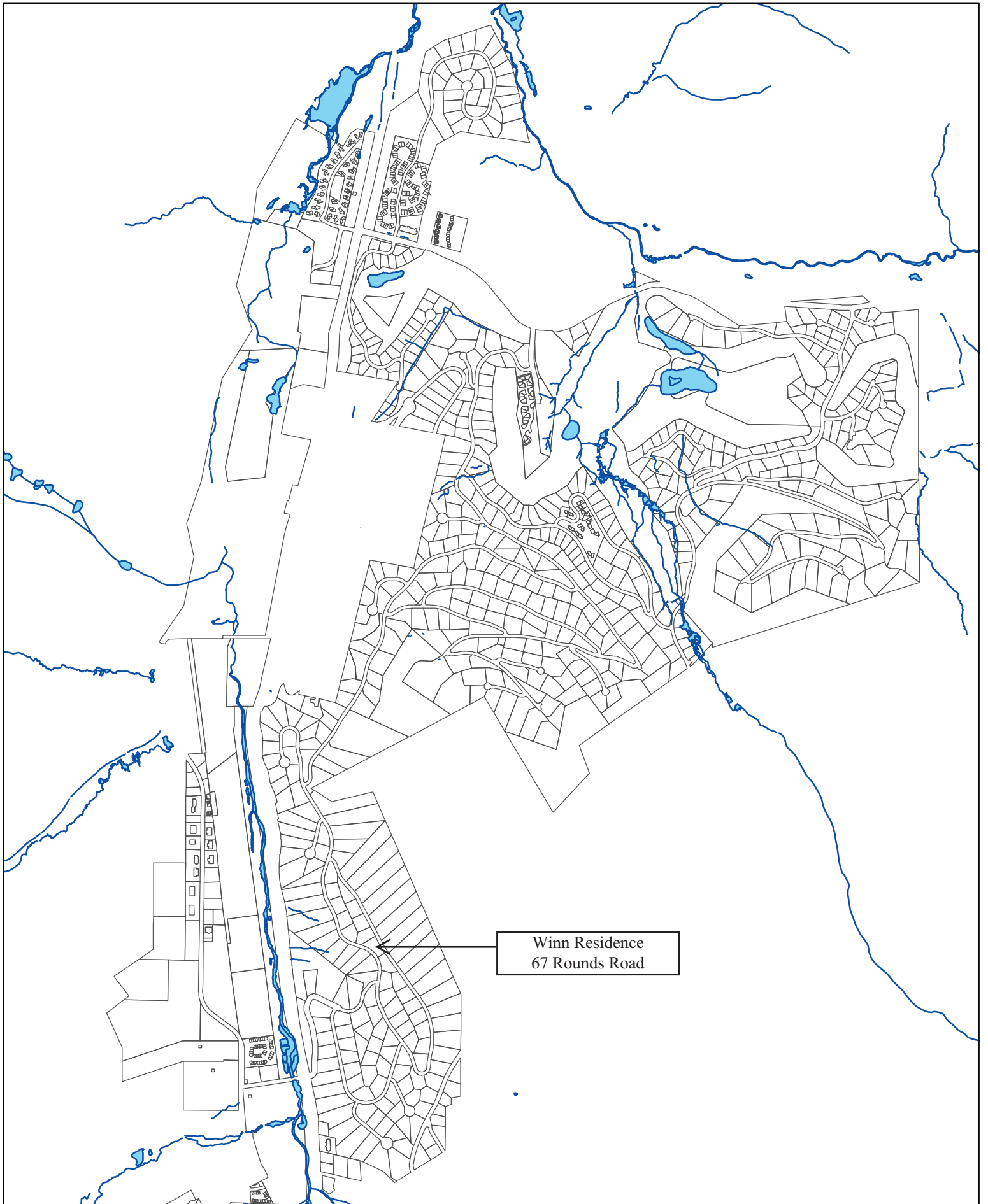


Town of Breckenridge
Planning Commission Agenda
Tuesday, February 21, 2012
Breckenridge Council Chambers
150 Ski Hill Road

6:00	<i>Planning Commission Tablet Training with Town Information Technology Staff (Tablet Training will be in the Admin Conference Room, 3rd Floor of Town Hall) (Dinner will be provided for Planning Commission and Town Staff)</i>	
7:00	<i>Call to Order of the February 21, 2012 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes February 7, 2012 Regular Meeting Approval of Agenda</i>	4
7:05	<i>Consent Calendar</i>	
	1. Blass Residence (MGT) PC#2012006 215 South Gold Flake Terrace	10
	2. Winn Residence (MGT) PC#2012007 67 Rounds Road	21
	3. Kesselring Accessory Apartment (MGT) PC#2012008 402 Wellington Road	32
	4. Park and Main Change of Use (CN) PC#2012009 500 South Main Street	40
7:15	<i>Worksessions</i>	
	1. Air Quality Policy (CN)	45
	2. Vendor Carts (CN)	46
8:00	<i>Other Matters</i>	
	1. Town Council Update (JM)	Verbal
	2. Planning Commission Norms (CN)	
8:30	<i>Adjournment</i>	

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

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



Winn Residence
67 Rounds Road



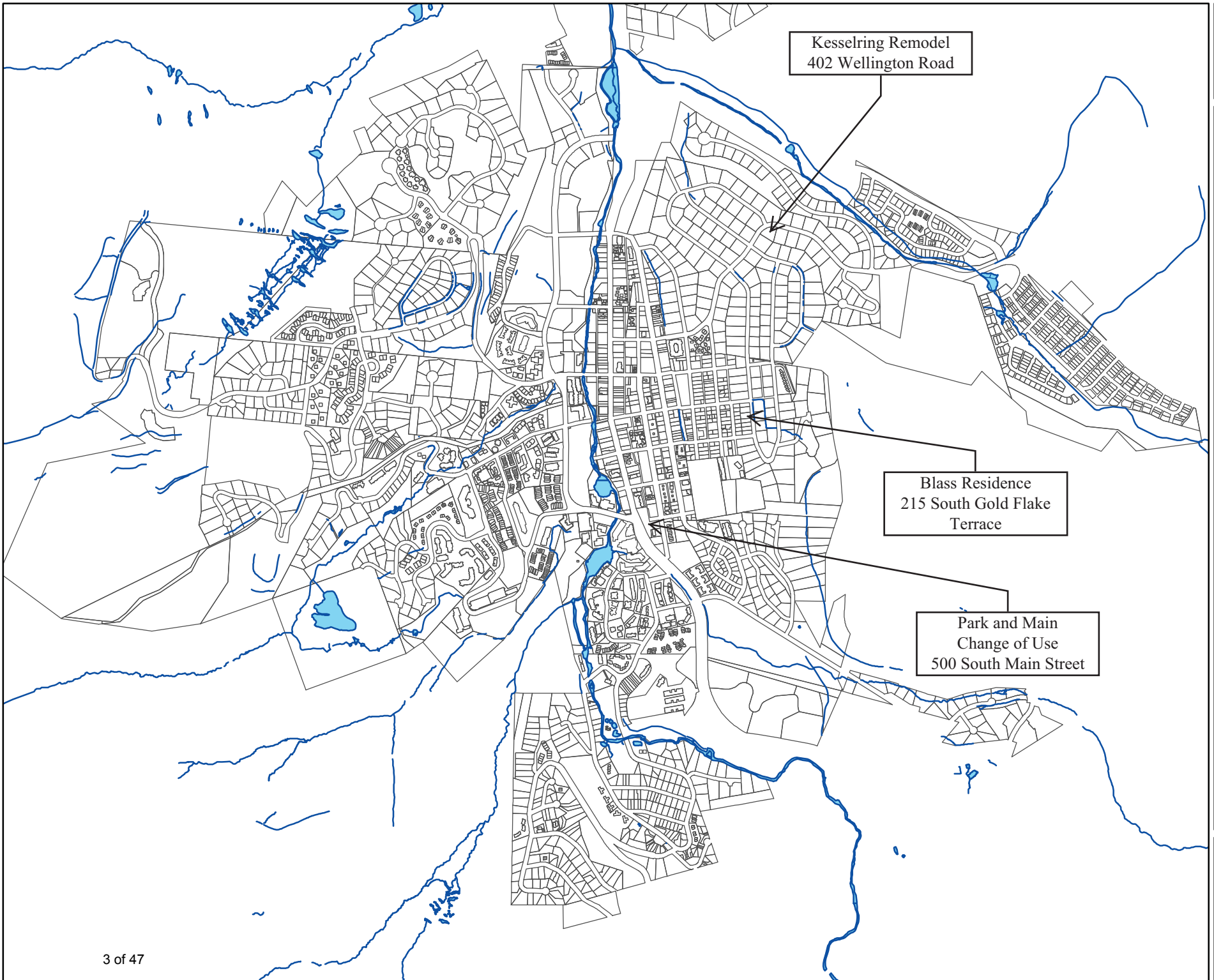
Town of Breckenridge and Summit County governments
assume no responsibility for the accuracy of the data, and
use of the product for any purpose is at user's sole risk.

Breckenridge North

printed 4/12/2011



NOT TO SCALE

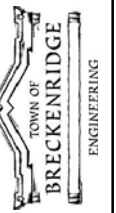


NOT TO SCALE

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 7:03 p.m.

ROLL CALL

Kate Christopher Jim Lamb Trip Butler
Gretchen Dudney Michael Rath Dan Schroder
Dave Pringle arrived at 7:16 pm

APPROVAL OF MINUTES

With no changes, the January 17, 2012 Planning Commission meeting minutes were approved unanimously (7-0).

APPROVAL OF AGENDA

With no changes, the January 17, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

CONSENT CALENDAR:

- 1) Milazzo Residence Remodel (MGT) PC#2012004, 131 Windwood Circle
- 2) Myers Residence (MGT) PC#2012003, 896 Discovery Hill Drive
- 3) Cherry Berry Change of Use (CN) PC#2012002, 520 South Main Street

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

WORKSESSIONS:

- 1) Code Amendment: TDRs and Employee Housing (MT)

Mr. Truckey presented. The 1997 Joint Upper Blue Management Plan (JUBMP) was updated in 2011, and part of that update concerned affordable housing. The 1997 JUBMP contained a policy that essentially exempted deed restricted affordable housing projects from density requirements as an incentive to encourage more affordable housing in the community. The 2011 JUBMP update recognized that affordable housing was still a high priority goal, but that there were impacts to the community from adding the housing density on top of the density already zoned in the basin. As a result, the 2011 JUBMP contains policies that address this issue and attempts to mitigate the impacts of new affordable housing development. The resulting JUBMP policy states that for every four units of affordable housing constructed, one development right would be transferred from Town-owned property to partly mitigate the impacts of the new density. The Town Council has specifically discussed this policy related to the new Valley Brook housing project and the Council has unanimously recommended stripping density off of the Carter Museum property and transferring it to the Valley Brook housing site. In order to complete the density transfer, a code amendment to the TDR section of the Development Code is necessary. We also agreed to not have Blue River be an option for these transfers.

In reviewing the code further, Staff also found a few other changes that would be beneficial in clarifying TDR and employee housing provisions. Thus, Staff also suggested several other amendments to address these issues. Several of these changes were:

- The code language that allows TDRs if approved through a “master plan” was clarified to allow density to move to different locations within the property boundaries of a master plan, but to not allow it to be transferred to another non-contiguous location. Staff believed this would be consistent with the original intent of the Council when this provision was initially adopted and this was confirmed recently with the Council.
- In 2007, the Town and County jointly adopted an updated version of the Intergovernmental Agreement regarding TDRs. In the map that is an exhibit to the IGA, text specifies that “the Historic District and Land Use District 1 within the Town boundaries are not suitable to receive density”. A code amendment was proposed to acknowledge that density cannot be transferred to the Historic District or LUD 1.
- The Council has requested that the 1:4 density transfer ratio in the JUBMP be memorialized in the Development Code.

Staff requested feedback from the Commission on the presented code amendments.

Commissioner Questions / Comments:

- Mr. Schroder: At one point it states “in no case” but then further on it says “if such density...” This seems to reflect back a couple of sentences prior. (Mr. Truckey: We can restate to make it clearer.) (Mr. Neubecker: Can change to say “if a transfer is approved...”)
- Ms. Dudney: Explain the strikeout language on page 44. (Mr. Truckey: You *are* allowed to exceed density with an employee housing project; needed to remove that inconsistency.)
- Mr. Neubecker: On attainable workforce housing, is a density transfer from Town property required only if the project is done by the Town of Breckenridge? (Mr. Truckey: No, for any developer, or any workforce housing project.) What if the site has enough density to cover the project? (Mr. Truckey: We can put in a clarifying point; “if density is needed” or something similar.)

Mr. Schroder opened the worksession to public comment. There was no public comment and the worksession was closed.

PRELIMINARY HEARINGS:

1. The Brown Hotel and Stable Restoration and Renovation (MM) PC#2012005, 208 North Ridge Street

Mr. Mosher presented a proposal to remove the non-compliant concrete block addition to the historic hotel; restore the north wall of the hotel; restore, locally landmark the hotel and stable and add a full basement beneath the historic stable; create a connector between the hotel and stable; and add vehicular access/loading access from French Street to the property. Staff requested that, with the current issues needing more discussion than a typical Preliminary Hearing, this public hearing be conducted as a worksession.

Mr. Mosher introduced Ms. Janet Sutterley, Architect for the project, and Mr. Rob Theobald, Engineer for the structural stabilization of the historic stable.

Mr. Mosher presented the unique density issues regarding the property. Staff found this to be a very worthy proposal, but not able to abide with Development Code issues associated with parking and density. Given that the property is already over density, Staff questioned whether the proposed improvements to the Hotel and Stable are an acceptable trade for the slight density increase. Staff tends to believe that the social and historic significance of the buildings and the role the Brown Hotel played in our Town’s history may be worth the increase.

The Town Council has the authority to alter code regulations affecting the review of an application carrying significant public benefit through a development agreement. Staff anticipates the need to present the parking and density concerns to the Town Council before this proposal is presented again to the Planning Commission.

The project entails removing some density and mass and adding some new. The hotel/bar/restaurant is currently over a shared property line. For legal non-conforming properties the goal is to reduce density; in this case, the proposal is to increase the total density by 676 sq. ft. and the above ground density by 131 sq. ft. Beyond what is identified in the report, the Applicant is proposing some additional storage beneath the connector link.

The connector link is not able to follow the design guidelines in the Handbook of Design Standards since there is an existing cantilever addition above, impeding the design of the link below. The roof on the connector link will be flat. The goal of the project is connecting two historic structures, while protecting the historic openings. Staff suggested that the south facing elevation of the connector link be brought into compliance with the Design Standards and Priority Policies instead of showing so much glass. The property is eligible for inclusion in the National Registry (National Landmarking process). The Applicant wishes to work on stable first as it is deteriorating rapidly. It is one of the nicer sheds / stables we have in Town.

Staff plans to discuss the parking needs with the Town Council as part of the pending Development agreement. Current function of the hotel does have on-site legal parking, just the large un-paved open space on Lot 7 to the north. Per the Code the parking requirement is for 19 spaces; these spaces would totally fill the Lot 7. The applicant is seeking to at sell a portion of Lot 7 for a future home-site. Currently the Engineering Department is studying the possibility of public parking along the west side of French Street. We will come back to the parking discussion, but wanted the Commission to be aware of the issue.

This proposal includes the following restoration and preservation efforts:

- removing the non-historic concrete block addition and restoring the historic wall and openings;

- stabilizing, restoring, and adding a new foundation to the stable (secondary structure);
- the restoration/preservation of the hotel and stable

Staff suggested the application receive positive twelve (+12) points for the restoration efforts. Inside the hotel and stable, almost all the original walls are intact.

Staff covered the key issues regarding this application. The other policies not discussed (Snowstack, Refuse, Circulation, Loading, Landscaping, Landmarking, etc.) will be reviewed at the next meeting pending the questions and answers discussed this evening.

In summary, Staff had the following questions for the Commission:

1. Would the Commission recommend that the Town Council process a Development agreement based on the public benefit and landmarking of this important building despite the density overage?
2. Would the Commission support adding the 287 sq. ft. of additional density beneath the connector link for added kitchen and storage space?
3. Staff suggested that the south facing elevation of the connector link be brought into compliance with the Design Standards and Priority Policies. Did the Commission concur?
4. Would the Commission support awarding positive twelve (+12) points for the restoration efforts?

Ms. Sutterley, Architect: Gave some history on the project. We started two years ago. At the time, pulling off the whole North addition was not even a consideration as the modern kitchen was so important. Parking wouldn't fit; we couldn't figure out how to get enough density. Came back to revisit this fall. Real incentive to take the non-historic portion off, but having to put kitchen somewhere else, not in the historic hotel as so much fabric would be impacted, it made sense with density under the stable. Taking whole kitchen and tucking in underneath made a lot of sense. Incentive to take off the concrete block addition was to maintain the historic lot line between Lots 6 and 7. This allowed the potential of selling Lot 7 to obtain higher financial ability to do this project.

Next question was how do we do this link underneath? We would like to make some sort of connection to the current basement. We need to get something going here in terms of the stable, due to the rate of deterioration. In terms of existing hotel, we don't want to do anything with that right now besides restore the north wall - which is mostly intact. Once you get into hotel at all, the building codes come in to account and will cause major changes. We have to explore egress for fire codes. That will be future project. We have not looked at any parking yet. We would like the Commission's feedback on the questions Mr. Mosher presented.

Commissioner Questions / Comments:

Ms. Dudley: Still confused on the density. If you have lots 6-7 together, density is over, mass is under; is above ground density over what is allowed? (Mr. Mosher - It is above the suggested 9 UPA, but negative points would be incurred.) So, negative points but not an absolute policy? Isn't the amount of non-conforming density applicable? (Mr. Mosher: For the proposal tonight, please consider the density calculations of Lot 6 only. We will come back again with proposal for Lots 6 and 7.)

Ms. Christopher: Two plans are noted "A-1"; what is the difference? (Mr. Michael Cavanaugh, Applicant: One of those sheets was not intended to be in the packet yet. More detail on second plan at later date.) (Ms. Sutterley: We want the south area of the connector for public circulation. Intention is to allow kitchen and public to flow into the stable and kitchen below. We need the north hall for more service connection. We are not sure what we have to do about the required handicap restrooms yet. Don't want them in existing hotel or in stable as the impacts to the hotel would be substantial; want them in the link which is all new. Not sure how much space they are going to take yet.) I am confused about the southwest corner of the stable. (Mr. Cavanaugh: The overhanging roof was the entry for the carriage and the horses were behind. The stable is significant because it was the only one in town with a farrier (shoe horses/mules, etc.) (Ms. Sutterley: Covered, but not enclosed. Want to keep posts and beams exposed and show off this feature.)

Mr. Schroder: Was the intent to keep the south connector wall open? (Ms. Sutterley: More like double hung windows. Still want a lot of glass so the stable walls are visible beyond.) The Historical Standards are why I am asking. A glass wall doesn't seem necessary to me. Those who see barn will be invited in anyway. Those outside not seeing it seems ok.

- Mr. Pringle: Is the corner of the stable to stay open? What are you keeping? (Mr. Cavanaugh: Posts, which are articulated with beautiful detail, have an opening we are trying to maintain.) What was the opening for the glass wall? Is the access going to be through the connector? (Mr. Cavanaugh: Access to the decking and south property. The farrier actually lived in the stable.)
- Mr. Butler: Theory is that having a glass “wall” as the connector allows to see the whole stable.
- Mr. Pringle: We have seen rolling barn doors on other projects; you could use rolling doors and open up to glass. (Mr. Mosher: Similar to the Fuqua Livery Stable, for example.) (Mr. Neubecker: Those properties had the doors where they occurred historically; this stable would not.) Is glass door part of stable door to stable or is it separate? (Mr. Mosher: Pointed out on plans what section will still be outside and what will be enclosed with the new connector.)
- Ms. Dudney: So you are asking us if Town Council could waive density, parking etc.? (Mr. Mosher: Not necessarily waive but, but consider a reduction as there is public parking nearby. The hotel is not in the Parking Service area. Connector density is of concern as it slightly increases the non-conformity.) Fabric of the south connector wall is contrary to the design standards, so what option do we have? (Mr. Mosher: Staff is back and forth; we seek direction for the Council on value of the project associated with strict code compliance.) What is rationale for not complying with the priority policies? (Mr. Mosher: We want to celebrate this property as much as possible: Mr. Mosher pointed out on the plans the location of the stable, the hotel, and the connector between the two to keep the elements out.) (Mr. Grosshuesch: The only way you can do that is to determine that the design policies are not applicable or you can recommend that these design issues be included in the Development agreement. I think there are some threshold issues; whether we have sliding glass doors or historic windows. If we don’t answer these initial questions, project can’t move forward. Please look at the density and the public benefits. And questions about the parking. Do the restoration effort and the public benefit outweigh the code requirements?) But we don’t have the ability to do that, we only have the ability to apply the code. (Mr. Mosher - We can return with Council direction to allow some portions of the Code to be interpreted. Negative points can still be awarded or the Commission cannot accept the direction.)
- Mr. Rath: Isn’t part of our job to estimate the will of the public? What if we do all the work to move this project forward and then there is no parking there and the public goes against it? (Mr. Grosshuesch: Council could authorize you to allow a project that does not comply with the codes. Yes, you need to take public testimony, but your charge is to determine if the policies apply per the Development Code. Town Council may come back to say “here is a compromise”. You review to see if it applies according to that. Council will be driving this. We are not talking about conclusions tonight. Density and parking issues are fairly big. We are looking for a recommendation; do you like the historic restoration enough for Council to pursue a development agreement to proceed?)
- Mr. Pringle: For this application? (Mr. Mosher: Correct, development agreement for this property.)
- Ms. Dudney: Just looking at Lot 6 tonight, so if you did not get approved with just Lot 6, you might keep it the way it is? Renovate exterior without addition of connector, because it is legal nonconforming, could you renovate with the concrete block on it? (Ms. Sutterley: Yes, we could.) You could just do the stable, and put a basement under it? (Mr. Mosher: Yes, that was part of the initial proposal a year ago.)
- Mr. Rath: The Applicant seems to be between a rock and a hard place here. They need to have two ADA restrooms. Less density if they did not have to put those spaces in. Whatever it takes to get a building like this renovated is important. My issue is parking is going to be huge, regardless of what Town Council says; the public may really emphasize this. Why go to trouble of redesigning without knowing what the parking is going to be? (Mr. Neubecker: We do public notice for these hearings; the public has the opportunity to participate in the process and make comment.)
- Mr. Pringle: We will process a development agreement that details this out. (Mr. Grosshuesch: The agreement may say the parking and density will not work; then you will apply the code and negative points, if needed, to the application.) (Mr. Mosher: One neighbor did submit comment on concerns, approval, about removing the concrete wall and the noise from the patrons of the bar in the parking lot.) (Mr. Cavanaugh: My theory is that patrons need to frequent my establishment to park there. The problem is my neighbors park there when they don’t have parking on their own lot.)
- Mr. Pringle: 19 parking spaces are required. They can make an agreement with a neighbor? (Mr. Grosshuesch: If you don’t have the required parking on site, because the site is already deficient in parking (only 16 spaces available) you don’t have to cure the deficiency, you are grandfathered in with that amount, but additional square footage has to be parked appropriately.) I am trying to figure out what is

absolute parking requirement for hotel? (Mr. Mosher: One space per room, so five currently; the rest of the spaces are for the bar / restaurant.) Can he get those from somewhere else? (Mr. Grosshuesch: He can only get 16 on there now, short 3, he meets requirement right now. Any off-site agreement need to be in perpetuity.) So, if Lot 7 sells? (Mr. Mosher: That is why we are going to Town Council for discussion.) Even if Council comes in and says ok, they still have to come to Planning Commission for the application and pass a point analysis? (Mr. Mosher: The property is not in parking service area; all parking has to be on the property.) (Mr. Grosshuesch: Town Council can also say it can act as if it is in the parking service area.) Are we bound to respect the development agreement or the code? (Mr. Grosshuesch: It depends on how the agreement is written. We will work with Town Attorney on it.)

Mr. Rath: Isn't parking the biggest issue? Shouldn't we solve that before getting into the other issues? This whole thing could change depending on what Town Council says. (Mr. Mosher: Assume the restoration of the barn and the connector are going to happen.)

Mr. Schroder opened the worksession to public comment. There was no public comment, and the worksession was closed.

Commissioner Comments:

Mr. Butler: I do recommend Town Council process the development agreement due to large public benefit; I support the 287 sq. ft. added density for the connector; I support the glass wall on the connector link, though not in fully in compliance; and I would support positive twelve (+12) points for restoration.

Ms. Christopher: Yes on all four. I think it is a really good public benefit, cleaning up area and making it a landmark. The glass wall on the connector link still bothers me; however, it's function seems necessary, so it is understandable. Like idea of glass wall, but we have to stick to the Code and design guidelines. Like that you can see the old barn from inside and outside. However Town Council sees fit to do that as close to code as we can, maybe just windows instead of glass wall.

Mr. Rath: Number 1, yes (development agreement); 2 yes (287 sq. ft. of density); 3 on the glass wall, I don't like the glass. Someone suggested sliding wall, yes it is new, but as long as it looks like it belongs and was part of the stable, I think it could work. I don't think glass is best solution. 4 absolutely positive twelve (+12) points, yes.

Ms. Dudney: I support pursuit of development agreement exploring variance from parking and density but not at all costs; I would have to see plan on any proposed parking. On the density, I would approve the extra 287 sq. ft., but on parking I would have to see what they come up with. No comment on glass wall until I understand how complies with the priority policies. Yes definitely positive twelve (+12) points for restoration.

Mr. Pringle Yes, go for a development agreement with the Town. Not sure what that is going to create for us as the Commission, as we have to stick to code. The 287 sq. ft. under connector doesn't necessarily have to be there; raise floor up to be crawl space; but it makes better sense to add as it would help preserve stable and hotel to have it. Floor at same level all the way through; no harm no foul by creating space and preserving both spaces. Doing the right thing so I would support it. No comment on the glass wall. There are ways you can bring in innovative, imaginative solution, absent something else; we should look toward complying with code. On the restoration, I support positive twelve (+12) points if they are warranted.

Mr. Lamb: This is definitely unchartered territory. Public benefit is huge and I support. I would compromise some things but not everything. 287 sq. ft. seems like a small amount of density to get the building functioning. It's underground, not visible, so that is a compromise I am willing to make. South wall on the connector link: as long as it did not look like a store front, maybe French doors. Positive twelve (+12) points, yes, definitely. Parking is going to have to be addressed, that is something that needs to be done for this building to function. I trust we can get straightened out. Like it with some reservations. I trust everyone involved to make it work.

Mr. Schroder: I also like the application with some reservations. Historic renovation entails development agreement; I am supportive of Town Council coming up with that agreement. I am supportive of 287 sq. ft. connector. Not commenting yet on the glass wall, I want to fall back on the code for evaluation. Definitely support positive twelve (+12) points if they are warranted.

OTHER MATTERS:

- Mr. Neubecker: Ms. McAtamney will come on monthly basis. Did any Commissioners have feedback on the Saving Places conference?
- Mr. Butler: First day was great, but unfortunately I missed the second day due to the weather.
- Ms. Christopher: The session on restoring historic buildings with public health in mind was interesting. Definitely geared more to cities, but it still was very interesting. A nurse and an historic preservation specialist presented together.
- Mr. Neubecker: Some staff went to a session on restoring historic barns. It was more about large barns on farms, but the presenter was an expert and very animated. They discussed how you tell how the barn was used, when it was built, where people came from. It was a great session. Mostly on post and beam structures. There was also a good session on restoring historic windows where they compared restored windows with storm-windows to new windows. They built boxes and were able to scientifically compare historic restored windows plus storm, which can be better than new in many cases. There are companies in Colorado and Arizona that can do this kind of work.
- Mr. Neubecker: On March 6 we will potentially have a site visit to Mary Hart's house near the high school. The house is very energy efficient; her energy bills are almost nothing at this point. We can tour the home see what they have done and talk about energy efficiency. This will be a lunch time site visit; I will send email detailing the date and time.

ADJOURNMENT:

The meeting was adjourned at 8:50 p.m.

Dan Schroder, Chair



COMMUNITY DEVELOPMENT
Class C Development Review Check List

Project Name/PC#: Blass Residence PC#2012006
Project Manager: Matt Thompson, AICP
Date of Report: February 14, 2012 For the 02/21/2012 Planning Commission Meeting
Applicant/Owner: Bob Blass
Agent: Suzanne Allen-Guerra
Proposed Use: Single family residence
Address: 215 S. Gold Flake Terrace
Legal Description: Lot 19A, Block 11, Yingling and Mickles
Site Area: 7,811 sq. ft. 0.18 acres
Land Use District (2A/2R): 1: Subject to the Lot 19A, Block 11, Yingling and Mickles Plat Notes
Existing Site Conditions: The property is moderately covered with lodgepole pine trees. The lot slopes steeply downhill at 23% from the street down towards the rear of the lot.

Density (3A/3R): Allowed: unlimited Proposed: 5,277 sq. ft.
Mass (4R): Allowed: unlimited Proposed: 5,998 sq. ft.
F.A.R.: 1:1.30 FAR
Areas:
Lower Level: 2,528 sq. ft.
Main Level: 1,749 sq. ft.
Upper Level: 1,000 sq. ft.
Garage: 721 sq. ft.
Total: 5,998 sq. ft.

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

Lot Coverage/Open Space (21R):
Building / non-Permeable: 3,260 sq. ft. 41.74%
Hard Surface / non-Permeable: 997 sq. ft. 12.76%
Open Space / Permeable: 3,554 sq. ft. 45.50%

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

Snowstack (13A/13R):
Required: 250 sq. ft. (25% of paved surfaces)
Proposed: 323 sq. ft. (32.40% of paved surfaces)

Fireplaces (30A/30R): 2 gas

Accessory Apartment: N/A

Building/Disturbance Envelope? Building envelope

Setbacks (9A/9R):
Front: 29 ft.
Side: 8 ft.
Side: 8 ft.
Rear: 15 ft.

Architectural Compatibility (5/A & 5/R):
Exterior Materials:

The proposed residence will be architecturally compatible with the neighborhood.

Shake siding 2x12 hand split thick butt cedar shakes, vertical siding 2x8 tongue and groove cedar stained light grey, metal siding 18 gauge sheet metal rusted finish, soffit 1x6 tongue and groove, fascia/trim rough sawn 2x cedar, door/window trim 2x and 3x rough sawn cedar, and a natural stone veneer.

Roof:

50-year Tamko asphalt shingles "weathered wood", corrugated rusted metal roof

Garage Doors:

Cedar sided shingles to match residence

Landscaping (22A/22R):

Planting Type	Quantity	Size
Colorado Spruce	3	10'
Aspen	6	2" minimum caliper
Native Rose	6	5 gallon

Drainage (27A/27R):

Positive away from residence.

Driveway Slope:

8 %

Covenants:

Standard landscaping covenant.

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

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

Staff Action:

Staff has approved the Blass Residence, PC#2012006, located at 215 S. Gold Flake Terrace, with the Standard Findings and Conditions.

Comments:

Metal siding does not exceed 25% on any façade, hence warrants no negative points under Policy 5/R Architectural Compatibility.

Additional Conditions of Approval:

TOWN OF BRECKENRIDGE

Blass Residence
Lot 19A, Block 11, Yingling and Mickles
215 S. Gold Flake Terrace
PC#2012006

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 **February 14, 2012**, 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 **February 21, 2012**, 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 **August 28, 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 building envelope 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 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

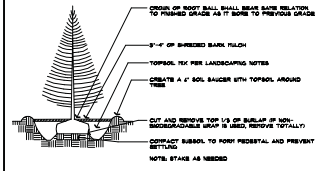
22. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
23. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height 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.*

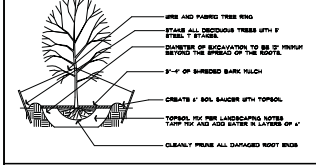
(Initial Here)

PLANT LEGEND				
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE
	4	NATIVE ROSE	ROSA WOODSI	8 GAL
	4	POPULUS TREMULOIDES	ASPEN	2' CAL
	1	PICEA PUNGENS	COLORADO SPRUCE	10'
NATIVE SEED PKG (SEE NOTE ON PLAN)				

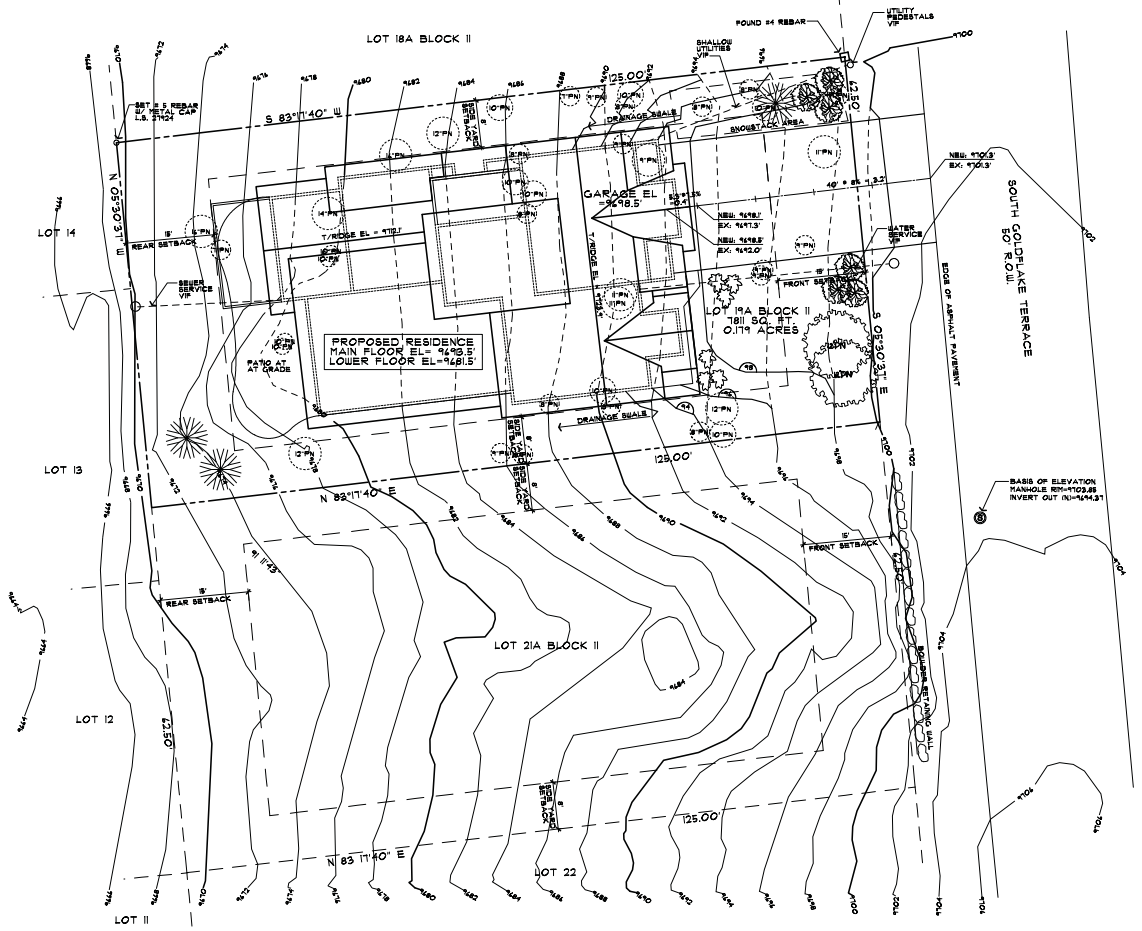
CONIFEROUS TREE PLANTING



DECIDUOUS TREE PLANTING



EROSION CONTROL METHODS: CONTROL ALL RUN-OFF WITHIN SITE PER SWPPP/STANDARDIZATION REQUIREMENTS BY STABILIZING SLOPES IN CONCRETE/ROCK/VEGETATION WITH SILT FENCING/COVERED SWALES AND DIVERSION TRENCHES. TRAP, INTERCEPT, AND DIVERT RUNOFF WITHIN BUILDING ENVELOPE.
NATIVE LANDSCAPING AREA IN CONTACT WITH BUILDING ENVELOPE: ALL TREES PLANTED WITHIN PROPOSED ROOF DRAINS AS SHOWN SHALL BE SECOND DRIP LINE. DRIP IRRIGATION SYSTEM TO ALL TREES/BUSHES PER TOWN STANDARDS.



SITE PLAN



SITE AREA CALCULATION	
TOTAL SITE AREA	2.91 SQ. AC.
TOTAL DEVELOP. FOOTPRINT	1.81 SQ. AC. (62.1% OF SITE)
TOTAL OPEN SPACE	1.10 SQ. AC. (37.9% OF SITE)



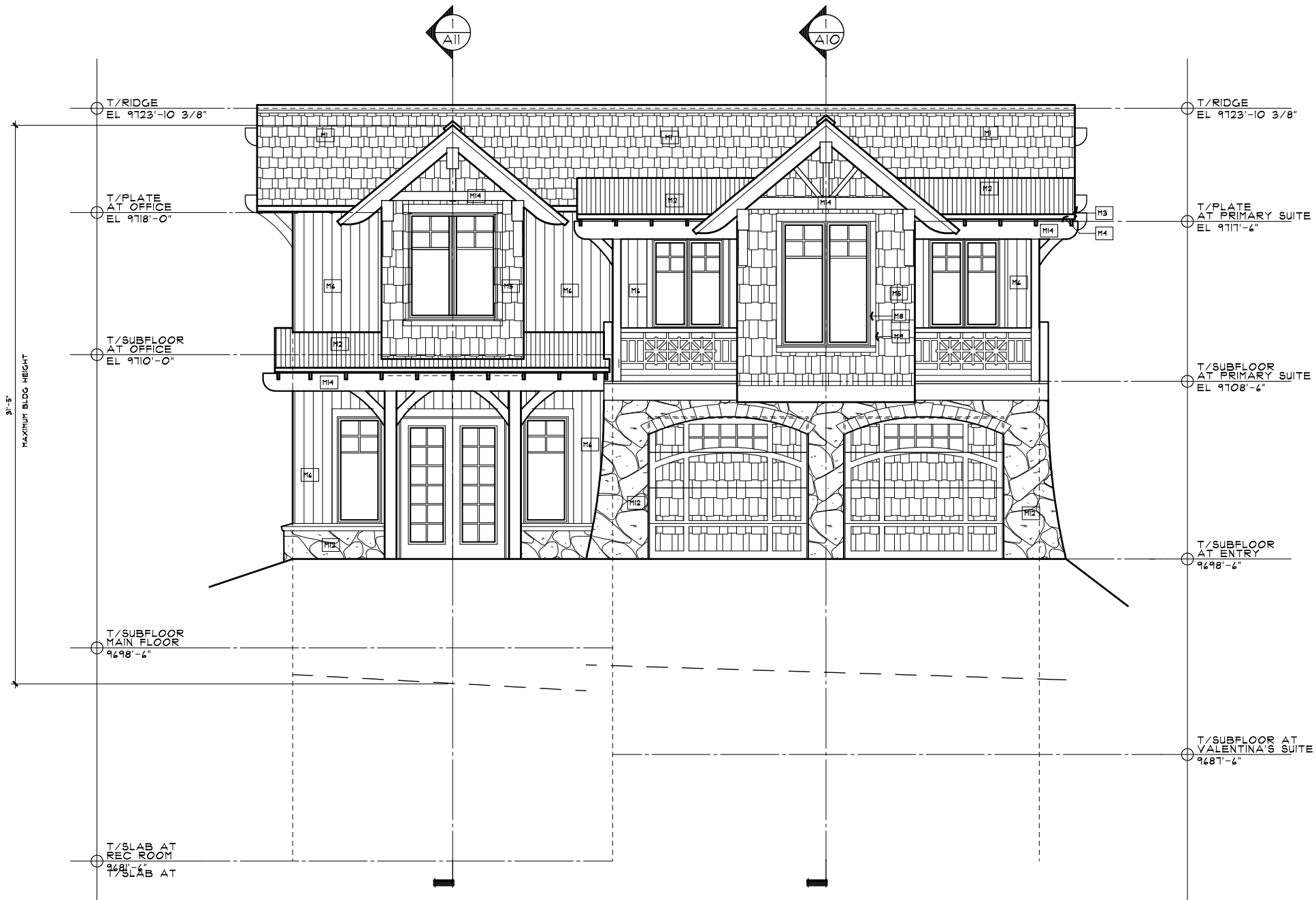
ALLEN GUERRA DESIGN, INC.
 10000 E. WYOMING AVE., SUITE 100
 DENVER, COLORADO 80231
 PHONE: (303) 755-1111
 FAX: (303) 755-1112
 WWW.ALLEN-GUERRA.COM

215 SOUTH GOLDFLAKE TERRACE
 LOT 18A, BLOCK II - TYPING AND TICKETS ADDITION
 DIRECTOR, COLORADO
SITE, GRADING AND LANDSCAPING PLAN
 PREPARED BY: ALLEN GUERRA DESIGN, INC.

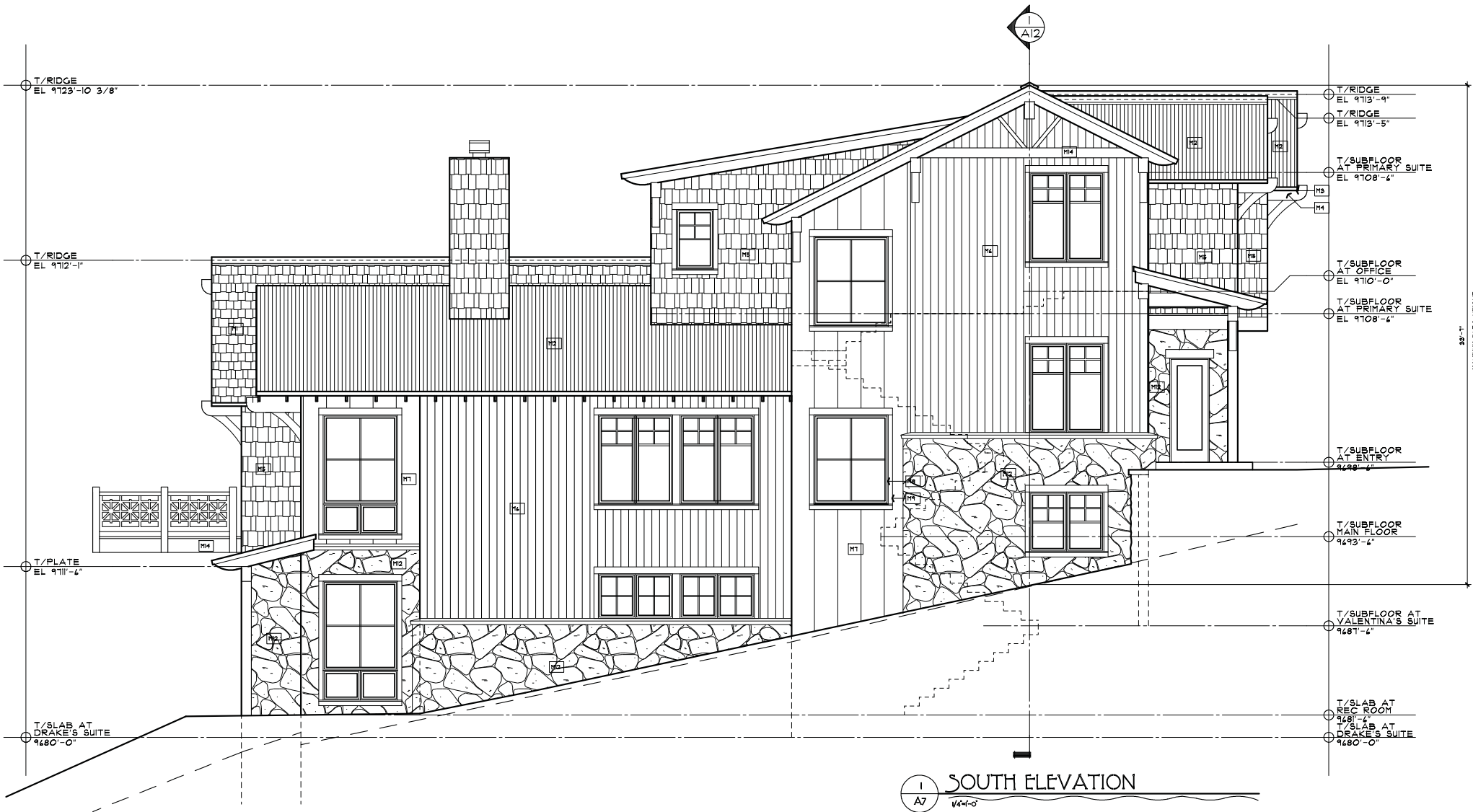
ISSUE	DATE
REVIEW	7 NOV 2018
DES DEV	18 JAN 2022
PLANNING	6 FEB 2022
	9 FEB 2022

PROJECT # 157

AI



1 EAST ELEVATION
 A6 1/4"=1'-0"





T/RIDGE
EL 9123'-10 3/8"

T/RIDGE
EL 9123'-10 3/8"

T/RIDGE
EL 9112'-1"

T/SUBFLOOR
AT PRIMARY SUITE
EL 9108'-4"

T/SUBFLOOR
AT OFFICE
EL 9110'-0"

T/SUBFLOOR
AT LANDING
EL 9104'-0"

T/PLATE
EL 9108'-6"

T/SUBFLOOR
MAIN FLOOR
9693'-6"

T/SUBFLOOR
AT ENTRY
9698'-6"

T/SUBFLOOR
MAIN FLOOR
9693'-6"

T/PLATE
EL 9111'-6"

T/SUBFLOOR AT
VALENTINA'S SUITE
9687'-6"

T/SLAB AT
DRAKE'S SUITE
9680'-0"

T/SLAB AT
REC ROOM
9681'-6"

34'-2"
MAXIMUM BLDG HEIGHT

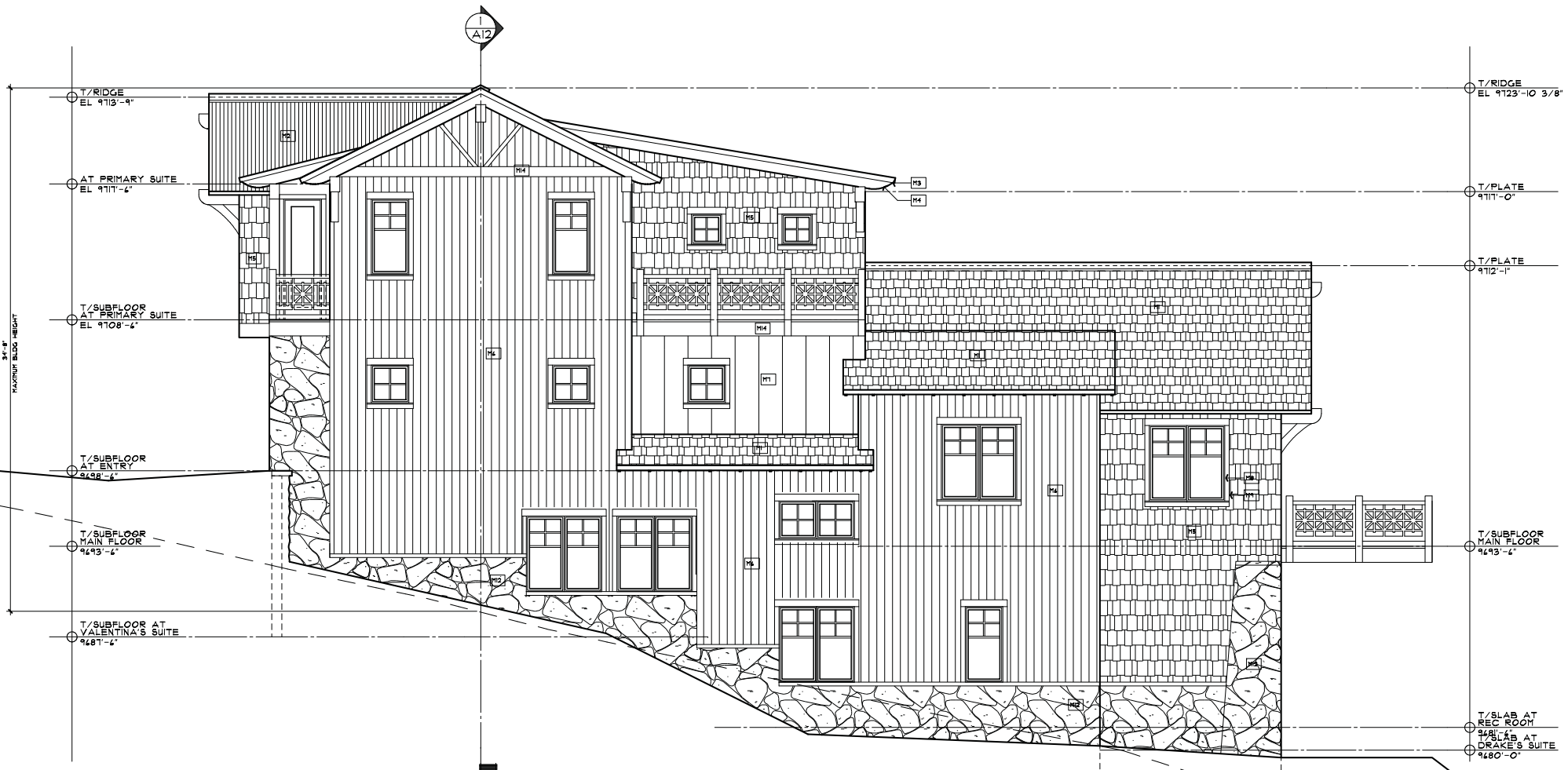


1
A6

WEST ELEVATION

1/4"=1'-0"

NOTE: STEEL SIDING = 10% OF FAÇADE



1 NORTH ELEVATION
A9 1/4"-0"

NOTE: STEEL SIGNING - 65% OF FACADE



COMMUNITY DEVELOPMENT
Class C Development Review Check List

Project Name/PC#:	Winn Residence	PC#2012007
Project Manager:	Matt Thompson, AICP	
Date of Report:	February 15, 2012	For the 02/21/2012 Planning Commission Meeting
Applicant/Owner:	Darin and Michele Winn	
Agent:	Architects Collaborative	
Proposed Use:	Single family residence	
Address:	67 Rounds Road	
Legal Description:	Lot 115, Highlands, Filing 4	
Site Area:	44,023 sq. ft.	1.01 acres
Land Use District (2A/2R):	6: Subject to the Delaware Flats Master Plan	
Existing Site Conditions:	The property is moderately covered in lodgepole pine trees. The lot slopes steeply downhill at 18% from the road towards the rear of the property. There is a 15' x 30' utility easement in both front corners of the lot. There is an access restriction along the eastern property line, which restricts access to Highlands Drive.	
Density (3A/3R):	Allowed: unlimited	Proposed: 4,712 sq. ft.
Mass (4R):	Allowed: unlimited	Proposed: 5,347 sq. ft.
F.A.R.:	1:8.20 FAR	
Areas:		
Lower Level:	2,452 sq. ft.	
Main Level:	2,319 sq. ft.	
Upper Level:		
Garage:	576 sq. ft.	
Total:	5,347 sq. ft.	
Bedrooms:	6	
Bathrooms:	6.5	
Height (6A/6R):	31 feet overall	
	(Max 35' for single family outside Historic District)	
Lot Coverage/Open Space (21R):		
	Building / non-Permeable: 3,028 sq. ft.	6.88%
	Hard Surface / non-Permeable: 2,915 sq. ft.	6.62%
	Open Space / Permeable: 38,080 sq. ft.	86.50%
Parking (18A/18R):		
	Required: 2 spaces	
	Proposed: 2 spaces	
Snowstack (13A/13R):		
	Required: 729 sq. ft.	(25% of paved surfaces)
	Proposed: 900 sq. ft.	(30.87% of paved surfaces)
Fireplaces (30A/30R):	2 gas	
Accessory Apartment:	N/A	
Building/Disturbance Envelope?	Disturbance	
Setbacks (9A/9R):		
	Front: within disturbance envelope	
	Side: within disturbance envelope	
	Side: within disturbance envelope	

Rear: within disturbance envelope

Architectural Compatibility (5/A & 5/R): This residence will be architecturally compatible with the neighborhood.
Exterior Materials: 1x8 vertical barn wood siding, 1x8 horizontal barn wood siding, corrugated rusted metal accent siding, rusted metal flat panels on chimney, bronze window cladding, and a natural stone veneer.
Roof: Asphalt shingles and rusted metal accent roofing
Garage Doors: 1x6 barn wood siding

Landscaping (22A/22R):

Planting Type	Quantity	Size
Colorado Blue Spruce	19	8' - 10'
Aspen	9	3" - 3.5" minimum caliper
Planting bed with perennials	1	N/A

Drainage (27A/27R): Positive away from residence.
Driveway Slope: 8 %
Covenants: Standard landscaping covenant

Point Analysis (Sec. 9-1-17-3): Staff believes this application warrants positive two (+2) points under Policy 22/R Landscaping, for a proposal that provides some public benefit to the Community for: more than one tree every 15' of street frontage and using deciduous trees that are a minimum of 2.5" caliper and 8 feet for evergreen trees.

Staff Action: Staff has approved the Winn Residence, PC#2012007, located at 67 Rounds Road, Lot 115 Highlands at Breckenridge, Filing 4.

Comments:

Additional Conditions of Approval:

Final Hearing Impact Analysis				
Project:	Winn Residence	Positive Points	+2	
PC#	2012007			
Date:	02/15/2012	Negative Points	0	
Staff:	Matt Thompson, AICP			
		Total Allocation:	+2	
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)		
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	Proposed landscaping will provide some public benefit to the Community.
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	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

Winn Residence
Lot 115, Highlands at Breckenridge, Filing 4
67 Rounds Road
PC#2012007

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 **February 15, 2012**, 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 **February 21, 2012** 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 **August 28, 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.
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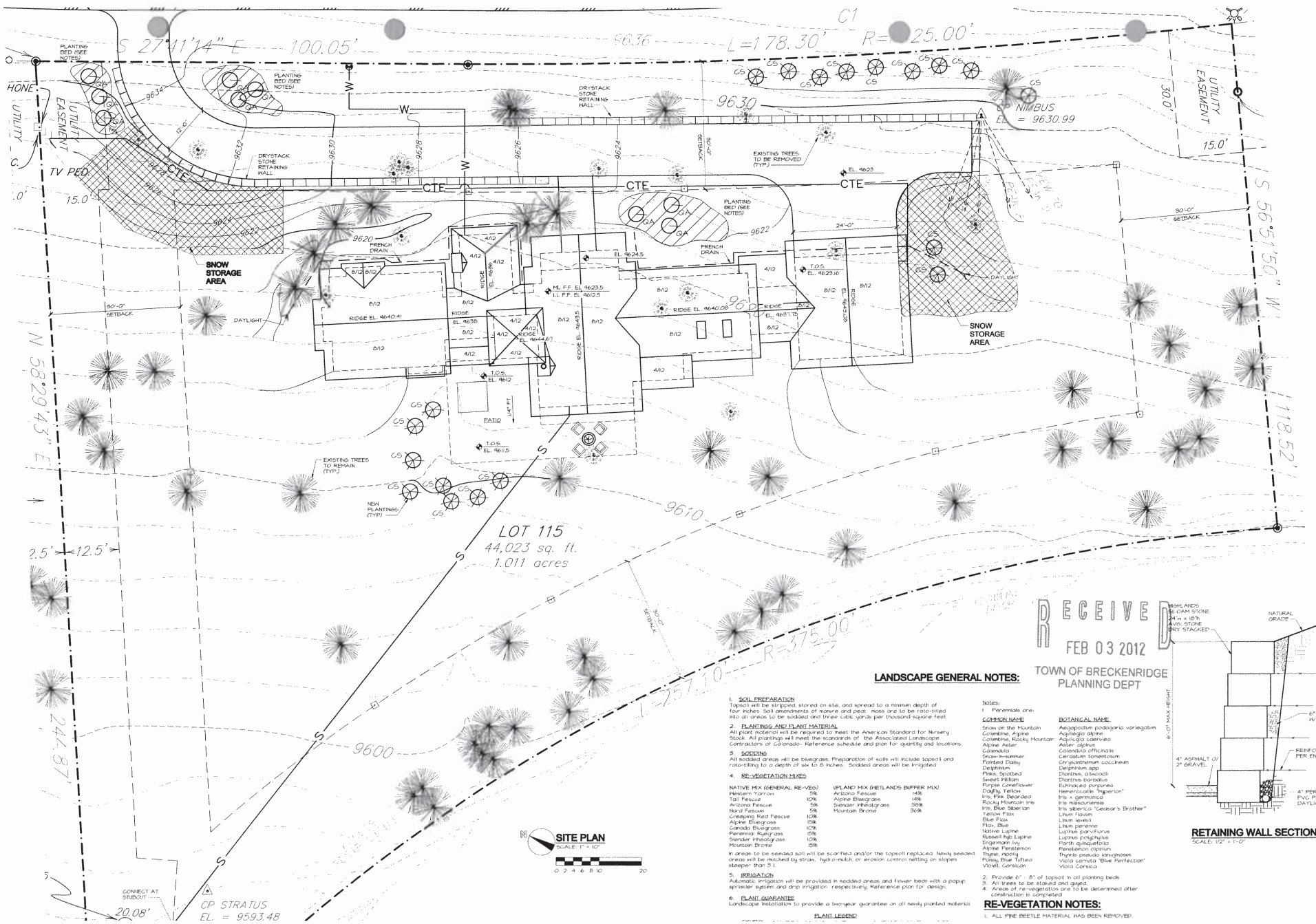
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

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.
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(Initial Here)



LOT 115
44,023 sq. ft.
1.011 acres

LANDSCAPE GENERAL NOTES:

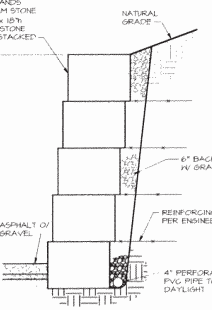
- SOIL PREPARATION**
Topsoil will be stripped, stored on site, and spread to a minimum depth of four inches. Soil amendments of manure and peat moss are to be rate-striated into all areas to be sodded and three cubic yards per thousand square feet.
- PLANTINGS AND PLANT MATERIAL**
All plant material will be required to meet the American Standard for Nursery Stock. All plantings will meet the standards of the Associated Landscape Contractors of Colorado - Reference schedule and plan for quantity and locations.
- SODDING**
All sodded areas will be bluegrass. Preparation of soils will include topsoil and rate-tilling to a depth of six to 8 inches. Sodded areas will be irrigated.
- RE-VEGETATION MIXES**

NATIVE MIX (GENERAL RE-VEG)		UPLAND MIX (HIGHLANDS BUFFER MIX)	
Northern Yarrow	5%	Alpine Fescue	14%
Tall Fescue	12%	Alpine Bluegrass	14%
Arizona Fescue	5%	Slimleaf Hairygrass	30%
Norw. Fescue	5%	Hudsonian Bromus	36%
Crested Red Fescue	10%		
Alpine Bluegrass	15%		
Canada Bluegrass	15%		
Perennial Rye Grass	15%		
Slender Phalaris	15%		
Hudsonian Bromus	15%		

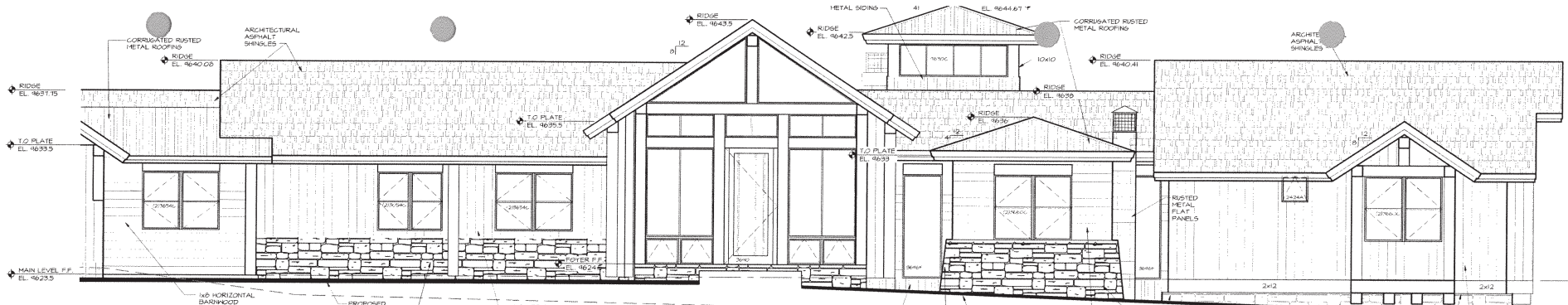
- Notes:**
- 1. Perennials are:
- | COMMON NAME | BOTANICAL NAME |
|------------------------|-----------------------------------------|
| Snow on the Mountain | <i>Asperula polygama variegata</i> |
| Combed, Alpine | <i>Asperula alpine</i> |
| Combed, Rocky Mountain | <i>Asperula canadensis</i> |
| Alpine Aster | <i>Aster alpinus</i> |
| Combed | <i>Comandra officinalis</i> |
| Snow-in-Summer | <i>Cerastium tomentosum</i> |
| Parried Daisy | <i>Cyananthus coccineus</i> |
| Scirpium | <i>Scirpus ssp.</i> |
| Pinks, Scattered | <i>Dianthus albidus</i> |
| Sweet William | <i>Dianthus barbatus</i> |
| Purple Coneflower | <i>Echinacea purpurea</i> |
| Daisy, Yellow | <i>Helianthus scaberrimus</i> |
| Iris, Pink Bearded | <i>Iris germanica</i> |
| Rocky Mountain Iris | <i>Iris macrocarpa</i> |
| Iris, Blue Starburst | <i>Iris sibirica "Season's Brother"</i> |
| Yellow Fox | <i>Lilium flava</i> |
| Blue Fox | <i>Lilium blue</i> |
| Flax, Blue | <i>Linum catharticum</i> |
| Native Lupine | <i>Lupinus varius</i> |
| Russell's Lupine | <i>Lupinus varius</i> |
| Engelmann's Ivy | <i>Platycodon grandiflorus</i> |
| Alpine Translucent | <i>Thymus alpinus</i> |
| Thyme, noddy | <i>Thymus praecox</i> |
| Flax, Blue Turf | <i>Viola cornuta</i> |
| Violet, Common | <i>Viola cornuta</i> |
2. Provide 6" - 8" of topsoil in all planting beds.
 3. All trees to be staked and tagged.
 4. Areas of re-vegetation are to be determined after construction is completed.

RE-VEGETATION NOTES:

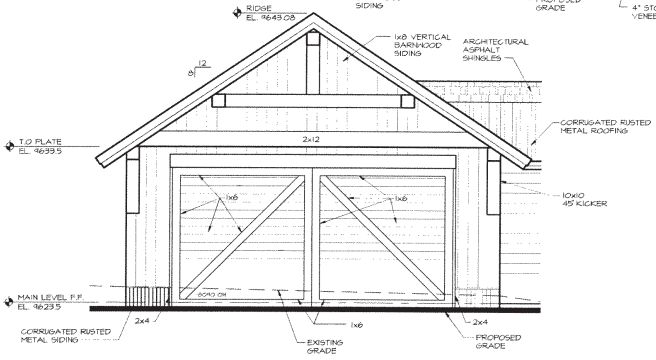
1. ALL PINE BEETLE MATERIAL HAS BEEN REMOVED.



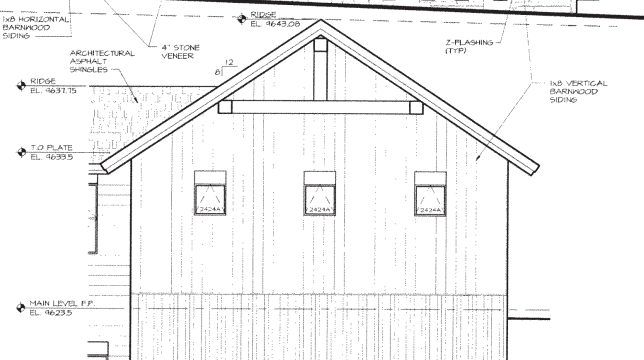
RETAINING WALL SECTION
SCALE: 1/2" = 1'-0"



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

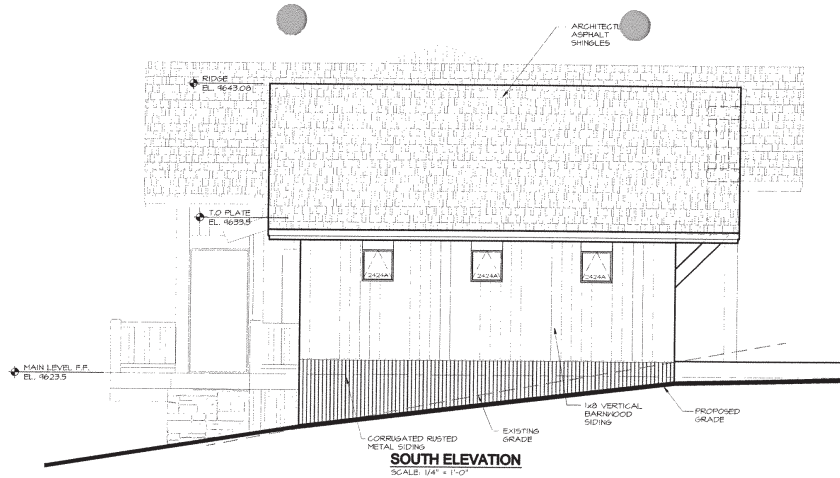


EAST ELEVATION - GARAGE
SCALE: 1/4" = 1'-0"

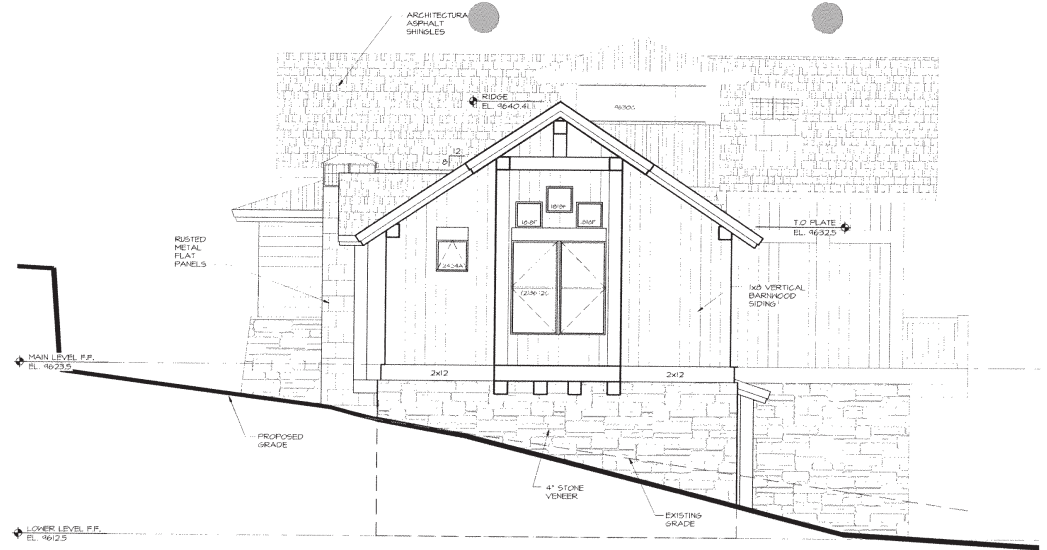


WEST ELEVATION - GARAGE
SCALE: 1/4" = 1'-0"





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



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



COMMUNITY DEVELOPMENT
Class C Development Review Check List

Project Name/PC#:	Kesselring Accessory Apartment PC#2012008	
Project Manager:	Matt Thompson, AICP	
Date of Report:	February 15, 2012	For the 02/21/2012 Planning Commission Meeting
Applicant/Owner:	Warren and Annette Kesselring	
Agent:	Stacy Lindholm/Lost Sock Symposium, LLC	
Proposed Use:	Accessory apartment above existing garage using existing storage space	
Address:	402 Wellington Road	
Legal Description:	Lot 2, Block 6, Weisshorn Subdivision	
Site Area:	24,829 sq. ft.	0.57 acres
Land Use District (2A/2R):	12: Residential	
Existing Site Conditions:	The property is moderately covered by lodgepole pine trees. There is an existing residence of 2,370 square feet and a 1,017 square foot detached garage. There is an existing wrap around driveway, which will be reduced to one driveway cut onto Wellington Road and the vacated driveway will be revegetated.	
Density (3A/3R):	Allowed: unlimited	Proposed: 3,030 sq. ft.
Mass (4R):	Allowed: 6,207 sq. ft.	Proposed: 4,047 sq. ft.
F.A.R.	1:6.10 FAR	
Areas:	<u>Existing</u>	<u>Proposed</u>
Lower Level:		
Main Level:	1,703 sq. ft.	
Upper Level:	667 sq. ft.	660 sq. ft. (above existing garage)
Garage:	1,017 sq. ft.	
Total:	3,387 sq. ft.	4,047 sq. ft. (proposed total)
Bedrooms:	1 proposed above garage	
Bathrooms:	1 proposed above garage	
Height (6A/6R):	22 feet overall	
(Max 35' for single family outside Historic District)		
Lot Coverage/Open Space (21R):		
	Building / non-Permeable: 3,406 sq. ft.	13.72%
	Hard Surface / non-Permeable: 2,070 sq. ft.	8.34%
	Open Space / Permeable: 19,353 sq. ft.	77.95%
Parking (18A/18/R):		
	Required: 3 spaces	
	Proposed: 3 spaces	
Snowstack (13A/13R):		
	Required: 518 sq. ft.	(25% of paved surfaces)
	Proposed: 518 sq. ft.	(25.02% of paved surfaces)
Fireplaces (30A/30R):	None proposed	
Accessory Apartment:	Yes, meets Code	
Building/Disturbance Envelope?	N/A	
Setbacks (9A/9R):		
	Front: 33 ft.	

Side: 12 ft.

Side: 32 ft.

Rear: 26 ft.

Architectural Compatibility (5/A & 5/R): The proposed accessory apartment will be compatible with the neighborhood.
Exterior Materials: Existing materials to remain
Roof: Dark brown metal roof
Garage Doors: Existing materials to remain

Landscaping (22A/22R):

Planting Type	Quantity	Size
Spruce	2	6' - 8'
Aspen	3	2" minimum caliper
Shrubs	5	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 positive or negative points.

Staff Action: Staff has approved the Kesselring Accessory Apartment, PC#2012008, located at 402 Wellington Road, Lot 2, Block 6, Weisshorn Subdivision, with the attached Findings and Conditions.

Comments: The total dwelling area of the accessory apartment cannot exceed 1/3 of the total square footage of the primary single family residence. In this case the primary residence is 2,370 square feet of dwelling area, hence the accessory apartment could be as large as 782 square feet. The accessory apartment is proposed at 660 square feet, hence meeting the Code. The accessory unit also cannot exceed 1,200 square feet, which it does not. Legal title for the accessory apartment and the single-family unit must be held in the same name, which is a Condition of the Approval.

Additional Conditions of Approval:

TOWN OF BRECKENRIDGE

**Kesselring Accessory Apartment
Lot 2, Block 6, Weisshorn
402 Wellington Road
PC#2012008**

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 **February 15, 2012**, 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 **February 21, 2012**, 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 **August 28, 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. Second driveway cut onto Wellington Road shall be vacated and revegetated. Only one driveway cut onto Wellington Road will be allowed.
8. Applicant shall field locate utility service lines to avoid existing trees.
9. An improvement location certificate of the height of the top of the foundation wall and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.
10. 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 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, which requires the legal title to the accessory apartment and single-family unit, shall be held in the same name.
14. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
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.

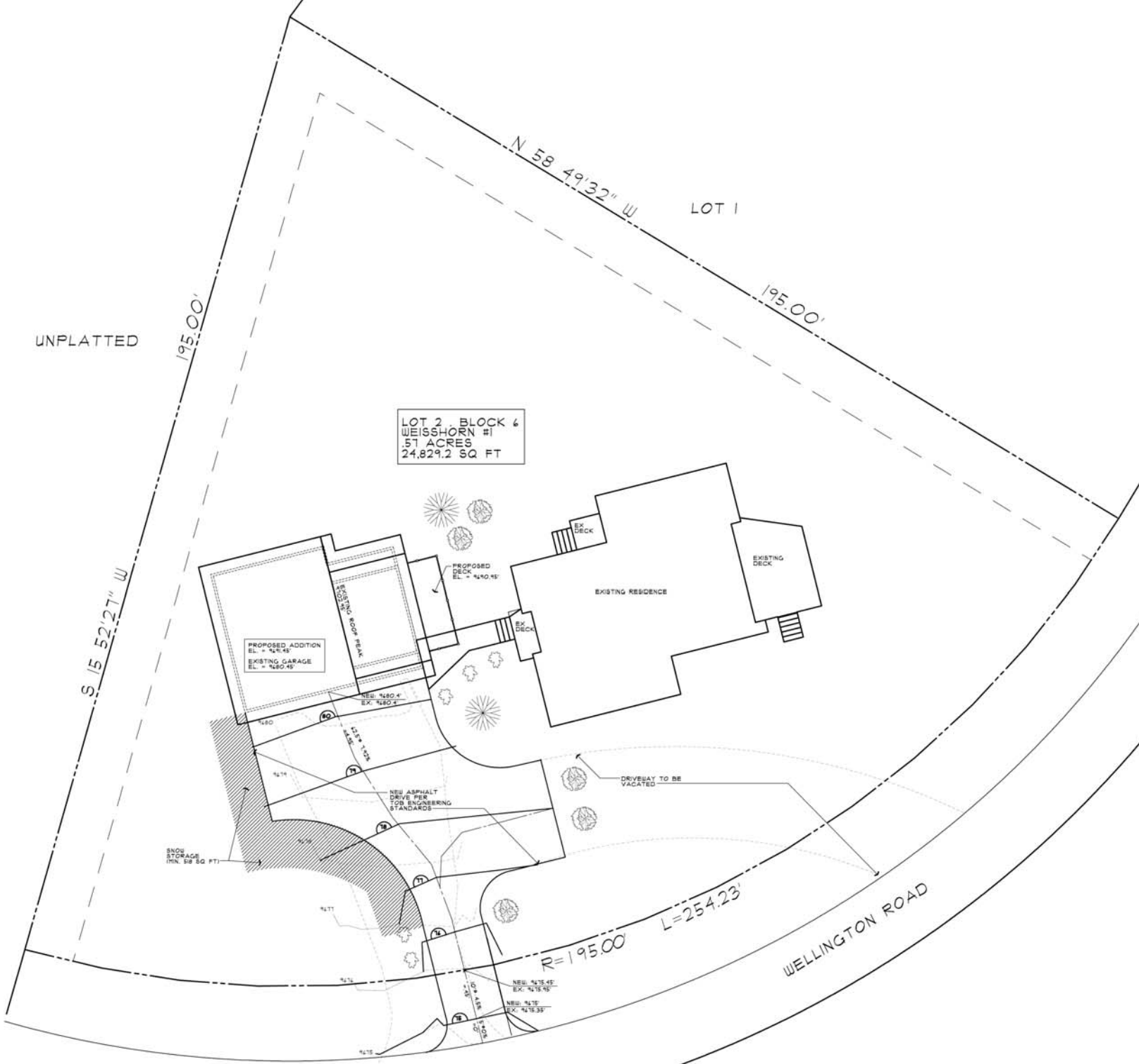
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(Initial Here)



LOT 2, BLOCK 4
WEISSHORN #1
.51 ACRES
24,829.2 SQ FT

PROPOSED ADDITION
EL. = 421.45

EXISTING GARAGE
EL. = 420.45

PROPOSED DECK
EL. = 4190.45

NEW ASPHALT DRIVE PER
CIVIL ENGINEERING
STANDARDS

SNOW STORAGE
(MIN. 518 SQ FT)

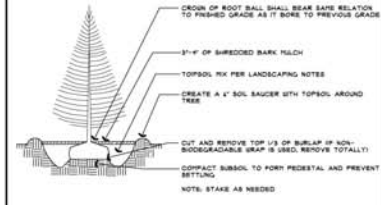
NEW 4'12\"/>

NEW 4'12\"/>

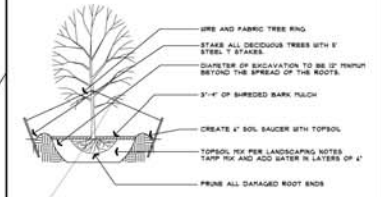
EX. 4'18.33"

PLANT LEGEND				
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SIZE
	5	5 GAL NATIVE SHRUBS		5 GAL
	5	POPULUS TREMULOIDES (SOX MULTI-STEM)	ASPEN	2' CAL
	2	PICEA PUNGENS	COLORADO SPRUCE	4'-8' HT

CONIFEROUS TREE PLANTING

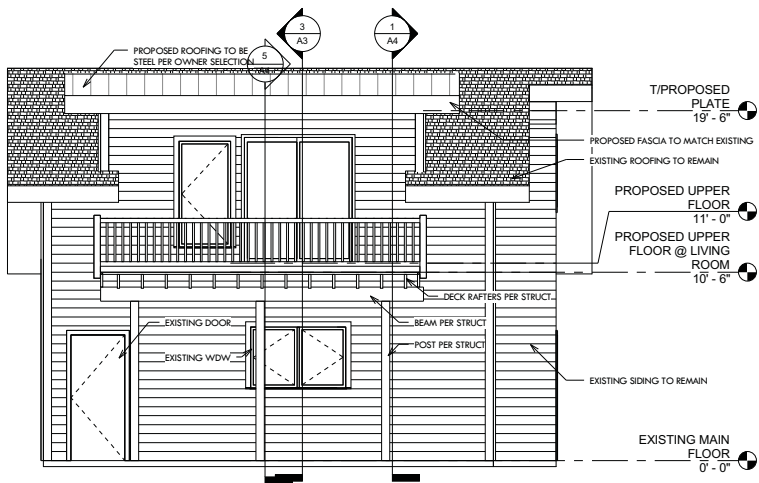


DECIDUOUS TREE PLANTING

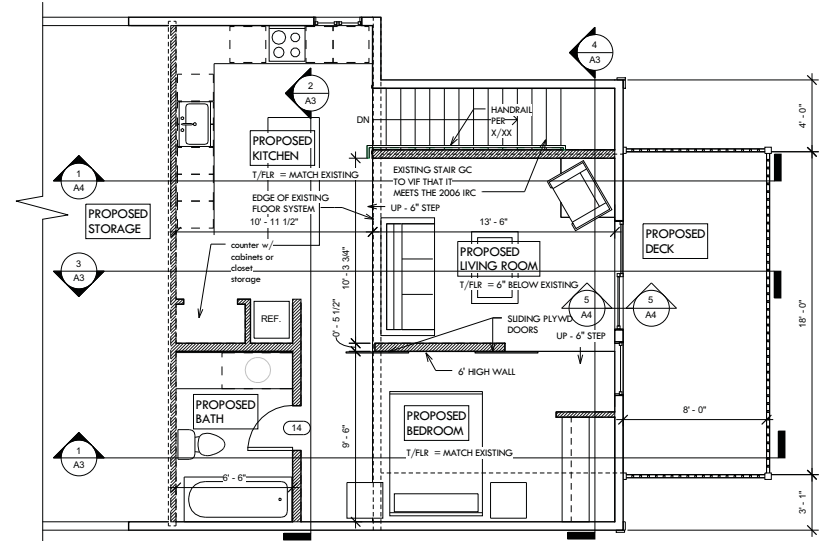


EROSION CONTROL METHODS: CONTROL ALL RUN-OFF WITHIN SITE PER SUBDIVISION STANDARDS AND TOWN REQUIREMENTS BY UTILIZING SLOPE OR IN COMBINATION NONPERVIOUS DRAINAGE MATS, SILT FENCING, DIVERSION SUELES AND DICES AS NECESSARY TO TRAP INTERCEPT, AND DIVERT RUNOFF
 NATIVE LANDSCAPING AREA IN CONTACT WITH BUILDING ENVELOPE SHALL BE PROTECTED FROM ROOF RUNOFF AS SHOWN IN WALL SECTION. RIVER ROCK RIPRAP IS TO EXTEND 8" BEYOND DRIP LINE
 DRIP IRRIGATION SYSTEM TO ALL TREES PER TOWN STANDARDS
 ALL DISTURBED AREAS OF SITE MUST RECEIVE TOP SOIL NATIVE SEEDING, AND LANDSCAPE PLANTINGS PER THE SUBDIVISION REQUIREMENTS.

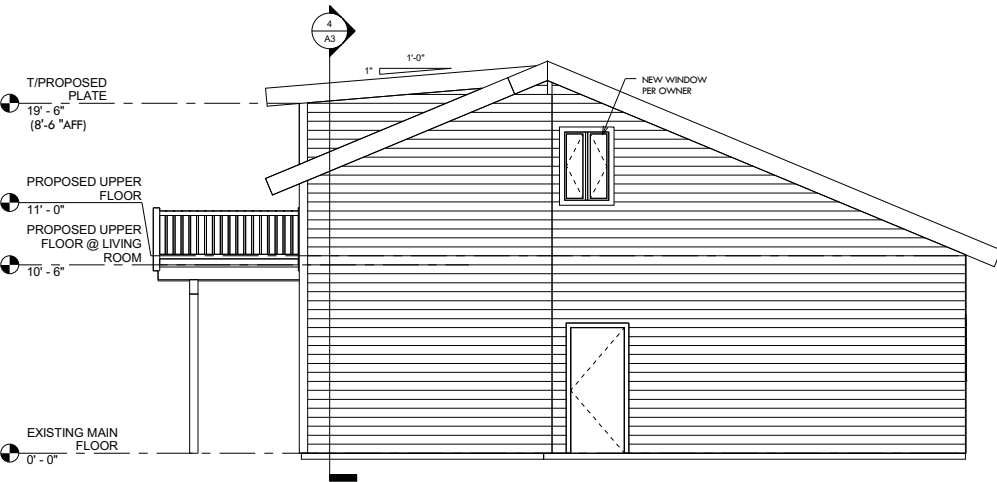
1 Site
1:10



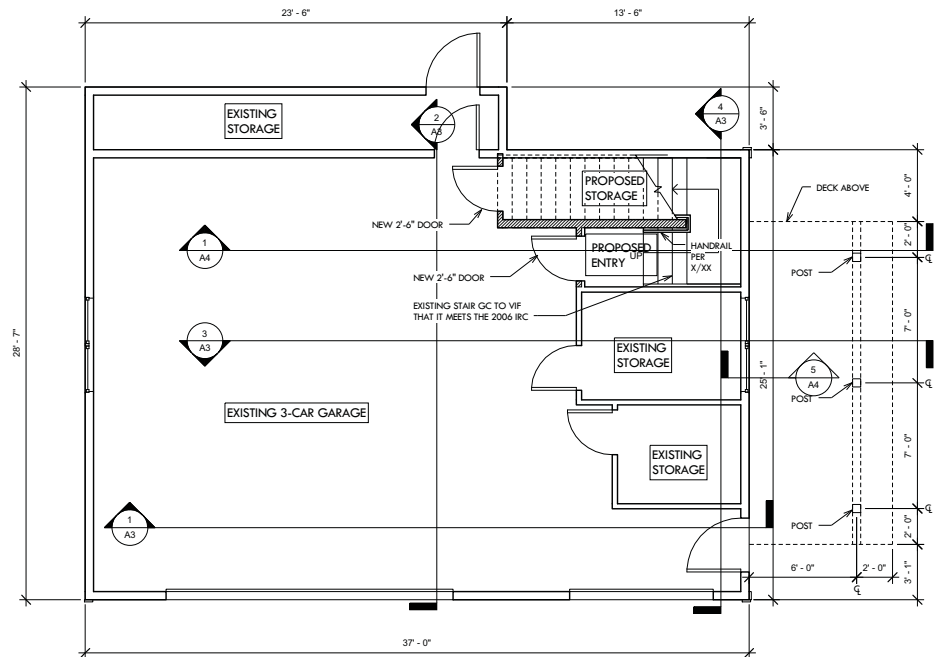
3 PROPOSED WEST ELEVATION
1/4" = 1'-0"



1 PROPOSED UPPER FLOOR
1/4" = 1'-0"



4 PROPOSED SOUTH ELEVATION
1/4" = 1'-0"



2 PROPOSED MAIN FLOOR
1/4" = 1'-0"

Planning Commission Staff Report

Subject: Park and Main Restaurant Change of Use (Class C Minor; PC# 2012009)

Date: February 16, 2012 (for the February 21, 2012 meeting)

Project Manager: Chris Neubecker, AICP

Applicant: E.B. South, Inc. (Chris Galceran)

Proposal: The applicant is proposing to change the use of the property/suite from general commercial (retail/office) use to a restaurant with on-site seating. No changes are proposed to the exterior of the building.

Address: 500 S. Main Street

Legal Description: Suites 2K and 2L, La Cima Mall

Land Use District: 19, Commercial; 1:1 FAR

Site Conditions: La Cima Mall was built in 1989 as a general commercial property. The building contains many different uses, including restaurants, retail shops and offices. The tenant space where Park and Main is proposed was most recently used as a retail store (Flying Crane).

Adjacent Uses: North: Commercial
East: Main Street
South: Commercial
West: Residential

Density: Existing: 1,556 sq. ft. (commercial)
Proposed: 1,556 sq. ft. (restaurant)
*Change of use will impact parking and water Plant Investment Fee requirements.

No change is proposed to the height, lot coverage, parking, snow stacking, setbacks, architecture or landscaping.

Parking: Existing required (based on retail use): 2.18 spaces
Required based on restaurant use: 5.45 spaces
Number of spaces deficient: 3.27 spaces

Item History

The Town Council approved La Cima Mall in 1989. The original building was approved as general commercial use. Over time, there have been restaurant uses of various types, and at times water Plant Investment Fees and parking service area fees have been transferred from one unit to another within La Cima Mall, which is all one property. (Transfers of water tap fees or parking service area “in lieu” fees from one property to another are not allowed, since these fees, once paid, “run with the land.”) However, there are no more water tap fees or parking service area fee “credits” remaining on this property that can be “transferred” to this unit. As a result, the water tap and parking service area fees will need to be paid for the higher impact use, based on the size of the space.

Staff Comments

Land Use (Policies 2/A & 2/R): The applicant proposes to change the use of the space from a retail use to a restaurant. Commercial uses are allowed in this Land Use District. Staff has no concerns with the proposed use.

Site Plan/Parking: No changes are proposed to the site plan. However, due to the change in use from retail to a restaurant, 3.27 additional parking spaces are required per Section 9-3-8 of the Town's Off-Street Parking Regulations.

There is an existing parking lot behind the building, but these parking spaces have already been allocated to the existing commercial uses. The applicant does not have sufficient land to provide any additional parking. As a result, the applicant will need to pay a fee in lieu of parking, per Section 9-3-12 of the Town's Off Street Parking Regulations.

The current rate for "in-lieu" fees is \$13,000 per deficient space. This will result in a parking service area fee of \$42,510.00. This fee will need to be paid upon issuance of a building permit. This has been added as a Condition of Approval.

Point Analysis (Section: 9-1-17-3): Staff conducted an informal point analysis and found all the Absolute Policies of the Development Code to be met, and no reason to assign positive or negative points to this project under any Relative policies.

Staff Decision

The Planning Department has approved the Park and Main Change of Use at 500 S. Main Street (PC#2012009), and we recommend the Planning Commission uphold this decision.

TOWN OF BRECKENRIDGE

Park and Main Restaurant Change of Use
500 S. Main Street
La Cima Mall, Suites 2K and 2L
PERMIT #2012009

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

FINDINGS

1. The proposed project is in accord with the Development Code and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated February 16, 2012 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 February 21, 2012 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. Complies with the statements of the staff and applicant made on the evidentiary forms and policy analysis form.
4. The approved use of "Park and Main", Suite 2K and 2L, La Cima Mall is for a 1,556 square foot "restaurant" for the purpose of Water Plant Investment Fees.
5. No signs are approved with this application. All signs visible from the exterior of the building shall be approved by the Town of Breckenridge under a separate sign permit application.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

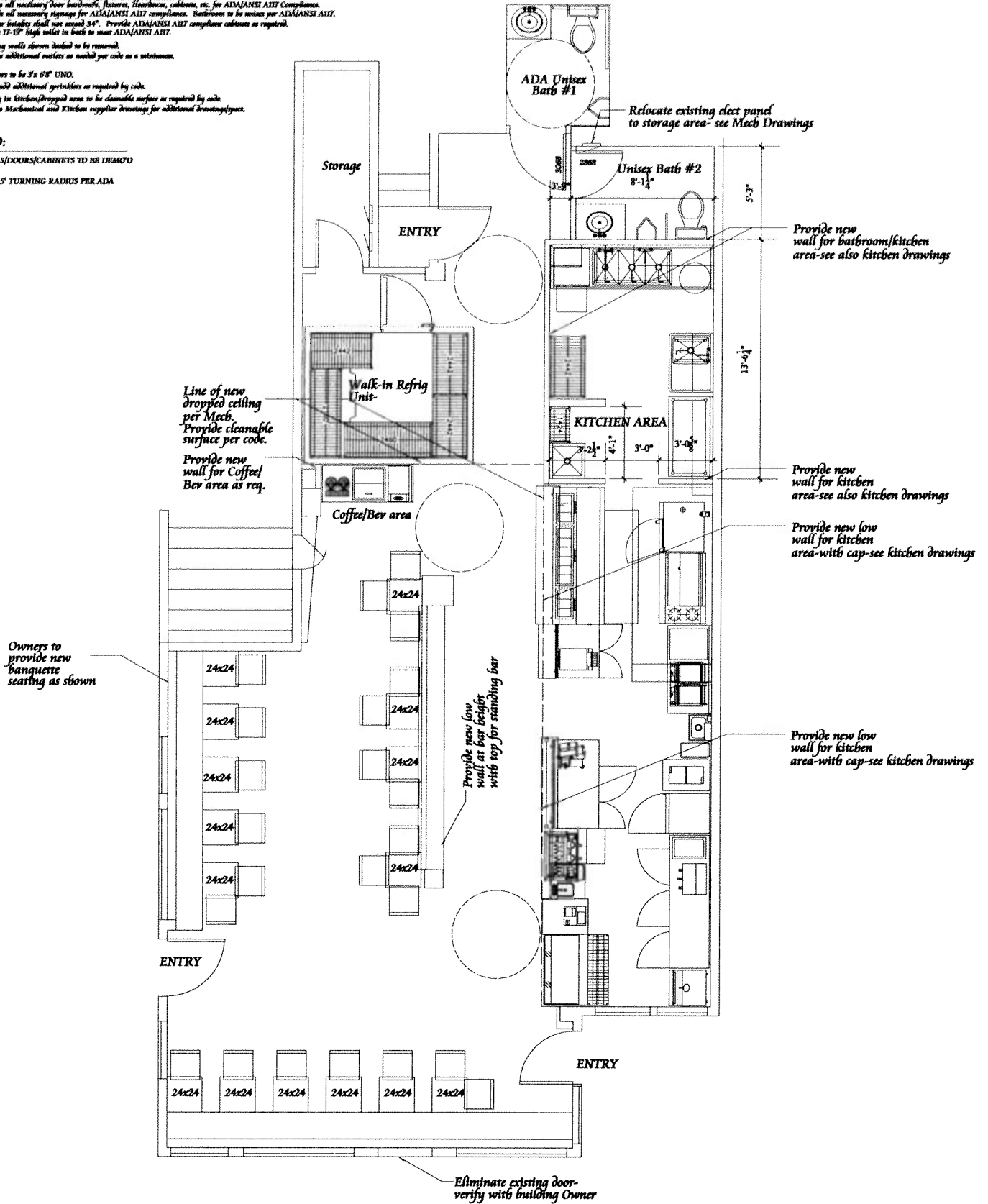
6. Town of Breckenridge water tap assessments shall be updated and paid prior to issuance of a building permit and prior to the new use of the property. The incremental water Plant Investment Fee shall be equal to 6.38 Single Family Equivalent (SFEs). If paid on or prior to December 31, 2012, this fee shall be \$33,488.62. If paid after December 31, 2012, then the fee shall be determined based on the new water Plant Investment Fee schedule in effect at the time of the payment.
7. Applicant shall pay a fee in lieu of providing 3.27 additional parking spaces parking per Section 9-3-12 of the Breckenridge Town Code (Off-Street Parking Regulations). The fee shall be \$42,510.00 which is equal to \$13,000 per deficient parking space.
8. Upper Blue Sanitation District sewer tap assessments shall be updated and paid prior to issuance of a building permit and prior to the new use of the property.

GENERAL NOTES:

1. All construction to be non-combustible construction.
2. See Mechanical plans for all ducting/insulation requirements.
3. Provide all necessary signage for ADA/ANSI A117 Compliance. Provide ADA/ANSI A117 Compliance. Restrooms to be unisex per ADA/ANSI A117. Counter heights shall not exceed 34". Provide ADA/ANSI A117 compliant cabinets as required. Provide 17-19" high toilet in bath to meet ADA/ANSI A117.
4. Existing walls shown dashed to be removed.
5. Provide additional outlets as needed per code as a minimum.
6. All doors to be 3'x 6'8" UNO.
7. Move/add additional sprinklers as required by code.
8. Ceiling in kitchen/dropped area to be cleanable surface as required by code.
9. Refer to Mechanical and Kitchen supplier drawings for additional details/types.

LEGEND:

- WALLS/DOORS/CABINETS TO BE DEMO'D
- 5' TURNING RADIUS PER ADA



Revised Plan/space plan



MEMORANDUM

TO: Planning Commission

FROM: Chris Neubecker, Current Planning Manager

DATE: February 16, 2012

SUBJECT: Air Quality Policy (Policy 30/Absolute: Air Quality)

The Town's current Air Quality Policy is designed to encourage alternative methods of heating and cooking, rather than wood burning appliances. An earlier version of this policy was included in the Town's original zoning code, adopted in 1978, to discourage the use of heating fuels that lead to degraded air quality. Over time the air quality in the Upper Blue Valley has improved, partly due to less use of wood burning appliances and the use of cleaner burning wood stoves and fireplaces as well as gas burning fireplaces. The policy has been amended a few times and the current policy assigns negative two (-2) points for the installation of a wood burning cooking appliance in a restaurant or bar.

Recently, staff has received inquiries into the use of fruit woods as a fuel for a wood burning pizza oven. Wood burning pizza ovens, which generally burn hard fruit woods, tend to burn at very high temperatures and typical wood burning pizza oven temperatures reach between 650 – 800 degrees Fahrenheit. As a result, there is much less smoke than wood burning stoves or fireplaces. In addition, fruit woods and other hardwoods burn longer and contain less resin than softwoods. Staff has looked for studies that compare the actual particulate matter released through the burning of hard woods, but we have not found any scientific studies proving that hard woods are significantly cleaner burning. We have found a lot of anecdotal evidence, however. We note that wood burning pizza ovens are not regulated by the Environmental Protection Agency like fireplaces, and as a result, studies on particulate matter are not readily available. (We contacted the EPA offices in Denver and they were unable to provide any direct feedback or studies on wood burning pizza ovens. The EPA certifies the emissions from wood stoves and fireplaces, but does not certify wood burning pizza ovens.)

Staff would like the Commission to consider if the negative points for wood burning cooking appliances in a restaurant or bar should be eliminated. These cooking appliances appear to be significantly cleaner burning than traditional wood burning fireplaces or wood stoves. Additionally, very few restaurants or bars choose to cook with wood. It is a specialty cooking method and we do not believe that there would be a significant increase in the number of wood burning cooking appliances as a result of this policy change. As such, we do not anticipate any noticeable impact on local air quality, but we could see a change in the variety of local restaurant offerings.

If the Commission supports this proposed code change, we will next bring this issue to the Town Council before writing the amended policy. We look forward to your feedback on this issue.



MEMORANDUM

TO: Planning Commission

FROM: Chris Neubecker, Current Planning Manager

DATE: February 16, 2012

SUBJECT: Vendor Carts Policy (Policy 36/Temporary Structures)

The Town's current policy on Temporary Structures (Policy 36/Absolute) allows temporary vendor carts for the sale of food and beverages in a form suited for immediate consumption. On February 22, 2011 the Town Council adopted a one year moratorium on the issuance of permits for new vendor carts, in order to give staff time to research possible changes to the policy. The Town Council is in the process of extending the moratorium until July 1, 2012 to ensure there is no gap between the expiration of the moratorium and adoption of a new policy.

Staff has met a few times with the Town Council over the past year to discuss concerns with the current policy and options for a new policy. Most recently, we met on February 14, 2012 and the Town Council provided the following direction to the staff:

- Continue to allow vendor carts in the historic district, but with stricter design standards
- Vendor carts do not need to follow historic district design standards; create new vendor cart standards
- Place a limit on the total number of vendor carts allowed in the town and/or historic district
- Do not require existing vendors to go out of business, but to come into compliance with new standards upon permit renewal
- Do not allow entire side of vendor cart to be "a sign"
- Require Planning Commission review with public notice

The Town Council indicated that they liked the design of Crêpes á la Cart, but had concerns with newer vendor carts such as Stella's Hungry Horse and Wyatt's Western Walking Pies. Based on Town Council direction, staff will be presenting recommendations on how to revise the current policy. Some of the ideas we have for these changes include:

- Developing different standards for small push carts (hot dog carts) that are removed each night versus those that remain in place over night
- Developing different standards for vendor carts inside and outside the historic district
- Require 360 degree design on carts (do not allow blank trailers)
- Encourage use of landscaping, decks and awnings to help large carts look less temporary

- Create more specific policy on vendor cart signs
- Consider limiting color chroma and value differently from permanent buildings
- Require trailer hitches and wheels to be hidden from public view

The Town Council did not indicate that parking was a problem or that parking service area fees should be required for these temporary uses. Also, water Plant Investment Fees would likely not be required, since most vendor carts are not connected to the Town's water system.

Staff will bring our draft policy back to the Planning Commission after we have further developed the policy and received general consensus from the Town Council. We appreciate any feedback that the Commission may have at this point.