

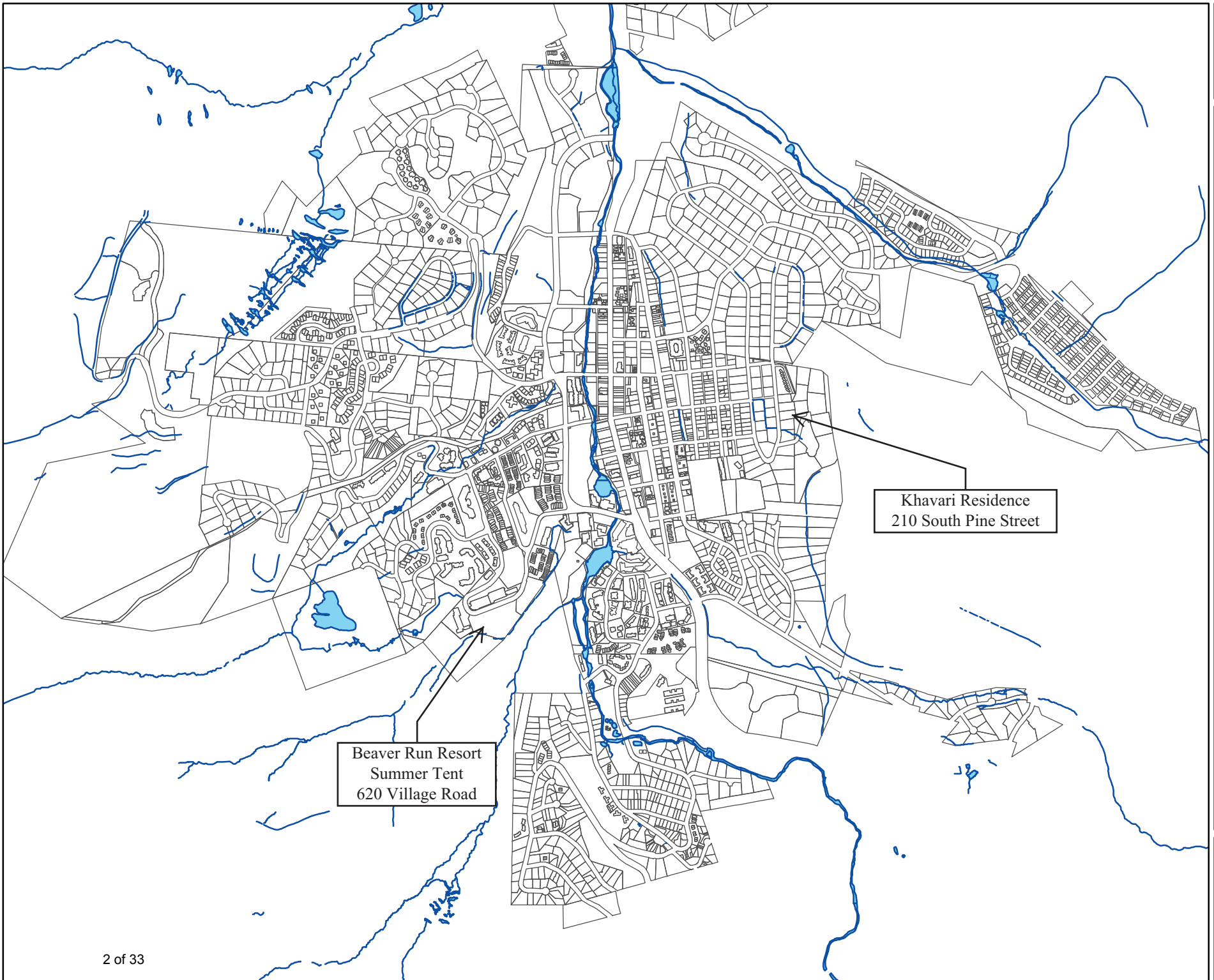
**Town of Breckenridge**  
**Planning Commission Agenda**  
Tuesday, March 20, 2012  
Breckenridge Council Chambers  
150 Ski Hill Road

12:00 Noon: Site Visit to Chris and Mary Hart Residence  
(Meet at Town Hall at Noon)

<b>7:00</b>	<b><i>Call to Order of the March 20, 2012 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes March 6, 2012 Regular Meeting Approval of Agenda</i></b>	<b>3</b>
<b>7:05</b>	<b><i>Consent Calendar</i></b>	
	1. Beaver Run Resort Summer Tent (MGT) PC#2012014 620 Village Road	<b>7</b>
	2. Khavari Residence (MGT) PC#2012015 210 South Pine Street	<b>13</b>
<b>7:15</b>	<b><i>Worksessions</i></b>	
	1. Vendor Carts (CN)	<b>24</b>
<b>8:15</b>	<b><i>Other Matters</i></b>	
<b>8:30</b>	<b><i>Adjournment</i></b>	

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

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



NOT TO SCALE

printed 4/12/2011

## Breckenridge South

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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		

**APPROVAL OF MINUTES**

With one change, the February 21, 2012 Planning Commission meeting minutes were approved unanimously (7-0).

Gretchen Dudney: On page 4 of the packet, please change “determent” to “detriment”.

**APPROVAL OF AGENDA**

With no changes, the March 6, 2012 Planning Commission meeting agenda was approved unanimously (7-0).

**CONSENT CALENDAR:**

1) Parkway Center Master Sign Plan (MGT) PC#2012011, 435 North Park Avenue

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

**WORKSESSIONS:**

1) Landscaping Guide (JC)

Ms. Cram presented a memo updating the Commission on changes to the Landscaping Guide. It is important to remember that specific requirements for landscaping, such as size, are outlined in the Development Code and that the Landscaping Guide is intended to be a guide. The Planning Commission reviewed Sections 1, 2, 3 and 4 of the Landscaping Guide on January 17<sup>th</sup>. Staff has incorporated the comments from the Commission, made some other minor changes and completed Section 5 – Common Pests and Diseases. Staff requested feedback from the Commission.

*Commissioner Questions / Comments:*

Section 1:

Ms. Dudney: Terrific, read it as a homeowner. The key is kind of confusing; “M-D” made me feel like these species didn’t need moisture. You used “M” for both requiring moisture and not requiring. (Ms. Cram: It is according to the plant’s preference; some plants do well in both conditions. Mr. Neubecker brought it up as well. I will look into making it more user-friendly.) (Mr. Neubecker: If it does well in either condition, do we even need to list it? Or, we can consider another letter or symbol.)

Mr. Pringle: On “micro-climates”, can we have an expanded definition of what it means? (Ms. Cram: Example: The lilac can do well with shelter from NW winds, etc.) The words “protection from wind and sun” might be more explanatory, i.e.: might need special planning considerations. (Ms. Cram: We do have a noxious weed ordinance. Summit County has a website with great information.)

Ms. Dudney: Where are you going to publish this guide? (Ms. Cram: We will have copies at Town Hall and on our website. We will also make sure that landscaping professionals have it.) (Mr. Neubecker: We can forward this to HOA’s, etc.) It would be great to publicize it.

Mr. Schroder: I agree with Ms. Dudney that this is very well written. I am very impressed with what you are presenting here. The easier the documents are to find, better use to people.

Ms. Christopher: Maybe have a “Homeowner” tab on the webpage for any documents Breckenridge homeowners might need.

Section 2:

Mr. Schroder: Liked the diagrams, very user-friendly. (Mr. Neubecker: We may try to incorporate more images throughout if possible.)

Ms. Christopher: I liked the hand drawn-sketches.

Ms. Dudney: On “Defensible Space”, is there a requirement where people would have to look into their HOA requirements in addition to the town? (Ms. Cram: That is a great idea.)

Section 3:

Mr. Schroder: Nicely put together documents.

- Ms. Christopher: I just found some typo errors; will give you the paper with my corrections.
- Mr. Lamb: I like this chapter; the planting details are so important. Giving trees a good start is critical for their success.
- Mr. Schroder: Taking care of the roots underground supports what happens above ground: i.e.: flowers, trees, etc.) (Ms. Cram: It is important to not disturb the root zone; i.e.: below the drip-line of tree; this is where the action of the tree is happening. We would like to include a bit on protecting trees during construction. We could come up with a nice sketch.)
- Mr. Schroder: Supports Ms. Cram drawing more images, they are extremely helpful.
- Section 4:
- Mr. Schroder: Important to maintain irrigation.
- Section 5:
- Mr. Rath: The life-cycle of the pine beetle is important knowledge; important for people to understand the timeline of how to deal with it, but cutting infected trees in spring/early summer. (Ms. Cram: I totally agree and will add this.)
- Mr. Schroder: I think aphids are very important. (Ms. Cram: Do you think I should include other things? The things I have included are what I most receive most calls about. I wanted it to be basic stuff that the homeowner is dealing with.)
- Mr. Pringle: A picture says a thousand words. It might be interesting to document how Breckenridge and the forest are going to change over the years.
- Mr. Schroder: Perhaps there is a place in the Visitors Center that could include “Forest in Transition” or something of that nature.

#### **PRELIMINARY HEARINGS:**

1) Valette Residence (MGT) PC#2012010, 301 South French Street

Mr. Thompson presented a proposal to remove the existing non-historic structure and replace it with a 2,012 square-foot, two-story residence with four bedrooms, three bathrooms, one gas fireplace, two upper-level decks, and a lower level one bedroom, one bathroom, 434 square-foot employee housing unit. Exterior materials include fiberglass composite shingles, scalloped cedar shingles at the gable ends, 4 ½ inch bevel hardboard siding (Priority Policy 125 recommends lap siding dimensions of approximately 4 inches), 3 ½ inch wide hardboard corner and window trim, wood deck railings, decorative cornice brackets and corbels, a real stone wainscoting around the base of the house varying in height from 9 to 18 inches, and a real stone and wood timber retaining wall for the driveway.

Staff found that the Valette Residence, Accessory Unit, and Removal of Existing Structure (PC#2012010), would be compatible with the surrounding neighborhood and does a good job to hide its parking at the rear of the lot. While this home has been approved before, Staff recognized that there are several new members on the Commission, and Staff understood that there may be questions. Staff is happy to answer your questions or receive any feedback that the Commission may have. If there are no serious concerns, and no changes to the draft point analysis, Staff recommended that this project return soon for the Final Hearing.

#### *Commissioner Questions / Comments:*

- Mr. Butler: Wanted Commission to know that I have a personal and professional relationship with the builder; potentially could be a supplier for this project. (The Commission discussed this possible conflict of interest; Mr. Schroder dismissed Mr. Butler from the room for the hearing.)
- Mr. Lamb: Thought you couldn't transfer density through a TDR into the historic district? (Mr. Thompson: Yes, that is the new rule, but the density was already transferred back in 2005 after the original approval of this design.)
- Mr. Schroder: Wanted to verify the parking situation according to the pictures Mr. Thompson provided. The current photos do not accurately show the potential new parking situation.
- Ms. Christopher: Is the current parking going to remain in the French Street right-of-way for Town residents, etc? (Mr. Neubecker: That will be up to the Town to decide that.)
- Mr. Pringle: Was the building permit ever applied for? (Mr. Thompson: Not sure. But they did purchase the TDR and we have confirmed that.)
- Ms. Christopher: Is the chain link fence temporary construction fence? (Mr. Thompson: Yes.)
- Mr. Pringle: Are there any significant changes to the Development Code since this project was first approved? (Mr. Thompson: One thing that comes to mind is negative points for the snow-melting in the driveway. For the size of the heated area we felt that negative two (-2) points were an appropriate amount.) Is there

anything that distinguishes this parking solution to any other solutions? Are we reviewing this policy different or has anything has changed? (Mr. Thompson: In my opinion, I feel that this project should have received positive two (+2) points before. We do need to be careful about setting correct precedents regarding the Code.) Mr. Pringle: Have they thought of any other parking options? (Mr. Thompson: We feel that this works with the historic district by having the parking in the rear of the property.) I just want to make sure that we are consistent with the way we award points. (Mr. Neubecker: It will be screened better than most surface parking.) I'm just looking for an understanding of why if nothing has changed but now they are getting positive two (+2) points. Staff has been giving two positive points for placing parking in the rear of the property and out of site. (Mr. Neubecker: The Historic District Guidelines encourage respecting the historic development pattern of front yards and not having parking in front of the residence. We want to encourage applicants to design parking in the rear of the residence, off of the alley. We do have recent precedence for awarding positive two points (+2) for placing the parking in the rear and out of sight.)

Ms. Dudney: Is this Character Area #1, East Side Residential? (Mr. Thompson: Yes.)

Mr. Rath: I hate snowmelt. This turns the house into an energy hog. They could put a garage there if they were allowed more square feet. (Mr. Jon Raymond, Builder: We agree on the snowmelt, Mr. Rath. We accommodated the back site with parking for many reasons because we didn't have many choices. There is not a foundation under the existing house, it will be recycled and we will be donating it so it is not going to go to the landfill.)

Mr. Pringle: When you say it is a four-plex, it sounds like a legally divided property. (Mr. Raymond: It is not a legally divided property; there are four one-bedroom units, and the existing house straddles both Lots 1 and 2. We have the lot line vacation subdivision application in right now.) (Mr. Thompson: We have sent out notice and placed notice of the subdivision on the property; we are in the notice waiting period right now.)

Mr. Schroder opened the floor for Public Comment:

Maureen Nicholls, adjacent property owner to the West: I think everything looks fine. Just a couple questions on the snowmelt. When the snow melts at the three car parking space, is there going to be a drain that takes the water away? The issue of a plow coming in from Adams Street and then backing out; I am concerned about what happens when the snow gets plowed. Would it be adequate for a snow year like last year? Something has to take that water somewhere. (Mr. Raymond: We try to manage snowmelt by putting in high condenser melters that measure slab temperature, air temp, etc. We try to evaporate instead of having the big trough of water. We will have an ice-bridging.) (Mr. Neubecker: The Town typically does not let you snowmelt into the right-of-way.) (Mr. Raymond: Plowing and snow storage will be a maintenance issue for the property owners. If it is an extra large snowfall year they might have to haul snow out. There will be a plow from a private contractor.) (Mr. Pringle: It will be an ongoing maintenance issue and they will have to keep tabs on it.) (Mr. Thompson: We have had one meeting with the Engineering Department. The engineer is aware of the plan and she will be working closely with Mr. Raymond on the plan.)

Mr. Schroder closed the public comment period and opened the floor back to Commissioners for further questions.

Mr. Pringle: Are there going to be any flue pipes sticking up 10-15 feet from the fireplaces? (Mr. Thompson: They are just proposing the one in the front.) Wouldn't we encourage them to put it in a chimney chase? (Mr. Thompson: I think what we have planned is more historically accurate.) (Mr. Raymond: Could they do a direct vent to the side of the house?) (Mr. Thompson: We have allowed that in the past in the Historic District.)

Mr. Schroder: I like that the parking is tucked away and think this is a good parking solution. Thank you for the explanation of the snowmelt system. I feel confident that the snowmelt system will be addressed and I am happy to see this lot become something else.

Mr. Pringle: I need to be clear on the positive points for employee housing; do we have insurance or some sort of compliance process to know that it will actually be used that way? (Mr. Grosshuesch: We do the monitoring annually but we can't force somebody to live there.) (Ms. Christopher: Does that mean it is deed restricted?) (Mr. Thompson: Yes, it will be deed restricted for locals; a renter would have to work at least 30-hours a week in Summit County.)

Ms. Dudney: Compliments to the design; seems to fit within the neighborhood.

Mr. Lamb: Parking needs to be monitored so that it drains well. I like the design of the building. Worried about the stove pipes looking too low on the roof.

Ms. Christopher: Great with the design; what are the dotted line windows on the bottom? (Mr. Raymond: They are window wells below grade that will allow natural light.)

**OTHER MATTERS:**

1. Joint Town Council Meeting Topics and Date (CN)

Mr. Neubecker presented a memo outlining several topics for the joint meeting with the Town Council on May 8, 2012. This will occur after the new Town Council is in place. We have suggested potential topics to talk about.

*Commissioner Questions / Comments:*

Mr. Schroder: How many of these would we like to attempt to cover? What kind of approach do we expect? Maybe if we pick some main topics to cover that would be helpful since sometimes dinner makes things tight.

Mr. Rath: That is only 20 minutes per topic.

MEETING TOPIC IDEAS:

1. Historic Preservation Incentives (Mr. Lamb)
2. Solar Gardens (Mr. Lamb)
3. Energy Efficiency/Review point system (Mr. Rath)
4. Vender Cart Guidelines (Mr. Pringle)
5. McCain Property/F-Lot Update (Ms. Dudney)
6. Transition Standards (Tiger Dredge) & Inclusion of School Property/Park , Breckenridge Elementary (Mr. Grosshuesch)
7. Solar Panels/Historic Transitions (Mr. Lamb)
8. Re-development of Commercial Development (Mr. Pringle)
9. Importance of the Town Council Liaison (Ms. Dudney)

*Other Matters:*

Mr. Grosshuesch: Potential rodeo on Airport Road this summer; you might not see it as an application, just as a heads up. It will go through the SEPA (Special Event Permit Application) review process.

**ADJOURNMENT:**

The meeting was adjourned at 8:57 p.m.

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Dan Schroder, Chair

## Staff Report

**Project Manager:** Matt Thompson, AICP

**Date:** March 14, 2012 (For meeting of March 20, 2012)

**Subject:** Beaver Run Summer Function Tent  
(Class C Minor Hearing; PC#2012014)

**Applicant/Owner:** Beaver Run Resort

**Proposal:** To construct a temporary tent for use during the summer only. The tent will provide additional space for conferences and functions. This same tent has been used for several years with the same design and same location.

**Address:** 620 Village Road

**Legal Description:** Block 3, Beaver Run

**Land Use District:** 23: Residential: 20 UPA  
Commercial: 1:3 FAR

**Site Conditions:** The site is a flat, paved parking lot adjacent to the existing Beaver Run Conference Center. There are no significant development constraints.

**Adjacent Uses:** North: Cedars Condominiums                      South: Forest Service / Ski Area  
East: Forest Service / Ski Area                                      West: Beaver Run Condominiums

## Item History

The conference and events tent has been installed every year for the past several years. In the past, temporary summer tents have been approved at Beaver Run and The Village at Breckenridge. The Breckenridge Development Code requires temporary structures longer than three days in duration to be processed as Class C Minor permits.

There have been no problems in the past with this temporary tent. The tent acts as additional meeting space for conferences and weddings in an outdoor setting. Considering that this same tent has been used for several years, and will likely continue into future summers, Staff is recommending that the tent be approved for a two (2) year period, summer 2012 and summer 2013, with this permit. (Please refer to Condition #5 for details). This same duration was approved for the temporary tent two years ago, as the 18-month Class C permit spans two summers. (Please refer to Condition #5 for details.)

## Staff Comments

**Land Use:** Residential and commercial uses are allowed in this Land Use District, although these types of uses do not qualify as “commercial”. They are considered common space, as is conference space in a condo-hotel. The Development Code specifically allows for these types of temporary tents in Policy 36: Temporary Structures.

*(ABSOLUTE) TEMPORARY STRUCTURES (36/A): The placement of temporary structures within the Town of Breckenridge is strongly discouraged.*

*A. Temporary Structures: Temporary structures, other than temporary vendor carts for short-term special events or temporary vendors for the vending of food and/or beverages exclusively, shall be allowed subject to the following conditions:*

*(1) Temporary structures shall only be utilized to replace an existing structure being demolished on site while a new, permanent structure on the same site is being constructed.*

*(2) The temporary structure shall have no greater floor area than the structure it is temporarily replacing.*

*(3) The temporary structure shall not be placed on site until a building permit has been issued for the new structure.*

*(4) The applicant, owner, lessee, etc. of the structure shall provide a monetary guarantee, ensuring the complete removal of the structure, site clean-up, and site revegetation, once the permit for the temporary structure has expired. In addition, the applicant, owner, lessee, etc. shall enter into an agreement with the Town, authorizing the Town to take possession of the structure and dispose of it upon failure of the applicant to remove the structure in a reasonable period of time.*

*(5) Exemptions: Temporary tents, air structures or other similar structures, not intended for office, retail, industrial or commercial uses, shall be exempt from the provisions of this Section, subject to all other relevant Development Code policies.*

This section of the Development Code was included specifically to permit temporary tents such as the one proposed today.

**Density/Mass:** Temporary tents such as the one proposed do not count as density or mass. They are considered common space or amenities to multi-family structures.

**Site Plan:** The tent will be placed in the parking lot behind the Beaver Run Conference building, adjacent to the Breckenridge Ski Area. The tent has been placed at this same location in the past. Staff has no concerns with the proposed site plan.

**Parking:** Adequate parking is available during the summer months in the adjacent parking lot. Guests of Beaver Run are the primary users of this facility, and the parking lots that are generally full in winter provide sufficient parking in summer. The tent will not block any emergency access to the building. Staff has no concerns regarding parking, considering this is a temporary, summer only use.

**Architecture:** The proposed tent is constructed of white vinyl and it supported by interior center poles. The tent will resemble a smaller version of the Riverwalk Center's former tent, with a peaked roof. Staff has no concerns with the proposed design of the tent.



**Point Analysis:** Staff finds no reason to assign positive or negative points to this application. The proposal meets all Absolute and Relative policies of the Development Code.

**Staff Action**

**The Planning Department has approved the Beaver Run Summer Tent, PC#2012014, for the summer of 2012 and 2013, with the attached Findings & Conditions. We recommend the Planning Commission uphold this decision.**

## TOWN OF BRECKENRIDGE

Beaver Run Summer Functions Tent  
620 Village Road  
PERMIT #2012014

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### FINDINGS

1. The project is in accordance 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 March 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 March 20, 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 on **September 27, 2013**. 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. The Summer Function Tent approved by this permit may be installed between May 1<sup>st</sup> and September 30<sup>th</sup> of 2012, and between May 1<sup>st</sup> and September 30<sup>th</sup> 2013, and must be removed by October 1<sup>st</sup> of each year. All necessary building permits must be obtained each year that the tent is installed.
6. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.

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

7. Applicant shall submit proof of ownership of the project site.

8. 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, port-o-let and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

9. 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. The 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. The Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
10. 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.
11. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

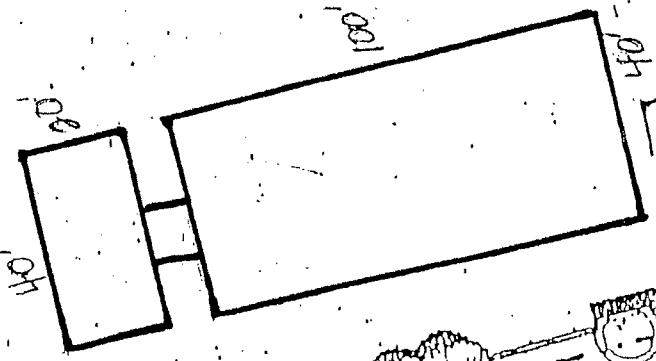
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COMMUNITY DEVELOPMENT

Class C Development Review Check List

**Project Name/PC#:** Khavari Residence PC#2012015  
**Project Manager:** Matt Thompson, AICP  
**Date of Report:** March 15, 2012 For the 03/20/2012 Planning Commission Meeting  
**Applicant/Owner:** Massoud Khavari  
**Agent:** Allen-Guerra Design-Build  
**Proposed Use:** Single family residence  
**Address:** 210 Pine Street  
**Legal Description:** Lot 1, Gold Flake Subdivision, Filing 3A  
**Site Area:** 22,265 sq. ft. 0.51 acres  
**Land Use District (2A/2R):** 12: Residential  
**Existing Site Conditions:** The property slopes uphill at 12% from the road towards the rear of the lot. The lot is moderately covered in lodgepole pine trees. There is a 10' snowstack easement along Pine Street. There is a 15' x 30' utility easement in the northwest corner of the lot. There is 15' Public Trail Easement along the eastern property line.

**Density (3A/3R):** Allowed: 4,500 sq. ft. Proposed: 4,441 sq. ft.  
**Mass (4R):** Allowed: 5,400 sq. ft. Proposed: 5,086 sq. ft.  
**F.A.R.:** 1:4.30 FAR  
**Areas:**  
**Lower Level:** 1,574 sq. ft.  
**Main Level:** 2,103 sq. ft.  
**Upper Level:** 764 sq. ft.  
**Garage:** 645 sq. ft.  
**Total:** 5,086 sq. ft.

**Bedrooms:** 4  
**Bathrooms:** 4.5  
**Height (6A/6R):** 33 feet overall  
(Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**  
Building / non-Permeable: 3,731 sq. ft. 16.76%  
Hard Surface / non-Permeable: 1,991 sq. ft. 8.94%  
Open Space / Permeable: 16,543 sq. ft. 74.30%

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

**Snowstack (13A/13R):**  
Required: 498 sq. ft. (25% of paved surfaces)  
Proposed: 500 sq. ft. (25.11% of paved surfaces)

**Fireplaces (30A/30R):** 2 gas, one EPA Phase II wood burner

**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):** The proposed residence will be architecturally compatible with the neighborhood.

**Exterior Materials:**

Horizontal siding 2x12 cedar, metal siding pre-rusted sheet panels, secondary siding: pre-rusted corrugated steel, doors and windows aluminum clad bronze, doors and window trim 2x cedar, fascia 2x cedar, soffit 1x6 cedar tongue and groove, and a natural stone veneer.

**Roof:**

Asphalt shingles and corrugated pre-rusted steel accent roofing

**Garage Doors:**

Pre-rusted steel panels

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

Planting Type	Quantity	Size
Colorado Spruce trees	4	(2) 10', (1) 12', (1) 14'
Aspen trees	13	(5) 1" caliper, (4) 1.5", (4) 2" minimum caliper
Alpine currant and woods rose	13	5 gallon

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

**Driveway Slope:** 8 %

**Covenants:**

**Point Analysis (Sec. 9-1-17-3):** Staff has conducted an informal point analysis and found no reason to warrant positive or negative points.

**Staff Action:** Staff has approved the Khavari Residence, PC#2012015, located at 210 Pine Street, Lot 1, Gold Flake Subdivision, Filing 3A, with the standard Findings and Conditions.

**Comments:** We have added a condition of approval requiring three additional trees to the north of the driveway turn-around to provide buffers to Lot 2.

**Additional Conditions of Approval:**

## TOWN OF BRECKENRIDGE

Khavari Residence  
Lot 1, Gold Flake Subdivision, Filing 3A  
210 Pine Street  
PC#2012015

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

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### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **March 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 **March 20, 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 **September 27, 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. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.
7. **At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.**
8. Applicant shall field locate utility service lines to avoid existing trees.
9. **An improvement location certificate of the height of the top of the foundation wall and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.**
10. **At no time shall site disturbance extend beyond the limits of the site disturbance envelope, including building excavation, and access for equipment necessary to construct the residence.**
11. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
12. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

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

13. Applicant shall submit 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.
22. Applicant shall submit a revised Landscape Plan (Sheet L1.1) showing a minimum of three additional trees, a minimum of six feet tall (if conifers) or one-inch caliper (if deciduous) to the north of the driveway turnaround to provide buffers to Lot 2.

**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

23. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
24. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
25. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
26. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
- 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. Applicant shall construct all proposed trails according to the Town of Breckenridge Trail Standards and Guidelines (dated June 12, 2007). All trails disturbed during construction of this project shall be repaired by the Applicant according to the Town of Breckenridge Trail Standards and Guidelines. Prior to any trail work, Applicant shall consult with the Town of Breckenridge Open Space and Trails staff.
35. 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)





**NORTH ELEVATION**

2  
A31

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



**WEST ELEVATION**

1  
A31

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

GLULAM BEAM ENDS, 10"  
 TUBE STEEL BRACKETS, 10"  
 W/ONE GENERIC, 10"  
 SECONDARY FLOORING,  
 PRE-FINISHED  
 COMBINATION STEEL

TUBE STEEL SNOW GUARDS

PROPOSED  
 FIBERGLASS  
 INSULATION

PROPOSED  
 FIBERGLASS  
 INSULATION

TUBE STEEL SNOW GUARDS

TOP OF GREAT ROOM

TOP OF SLAB AT REAR PORCH

TOP OF SLAB AT GARAGE

CONCRETE FLOOR BELOW FINISH  
 2x6 JOIST AT REAR PORCH

TIMBER FLOORING,  
 2x6 JOIST AT REAR PORCH

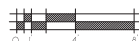
TOP OF SLAB AT REAR PORCH

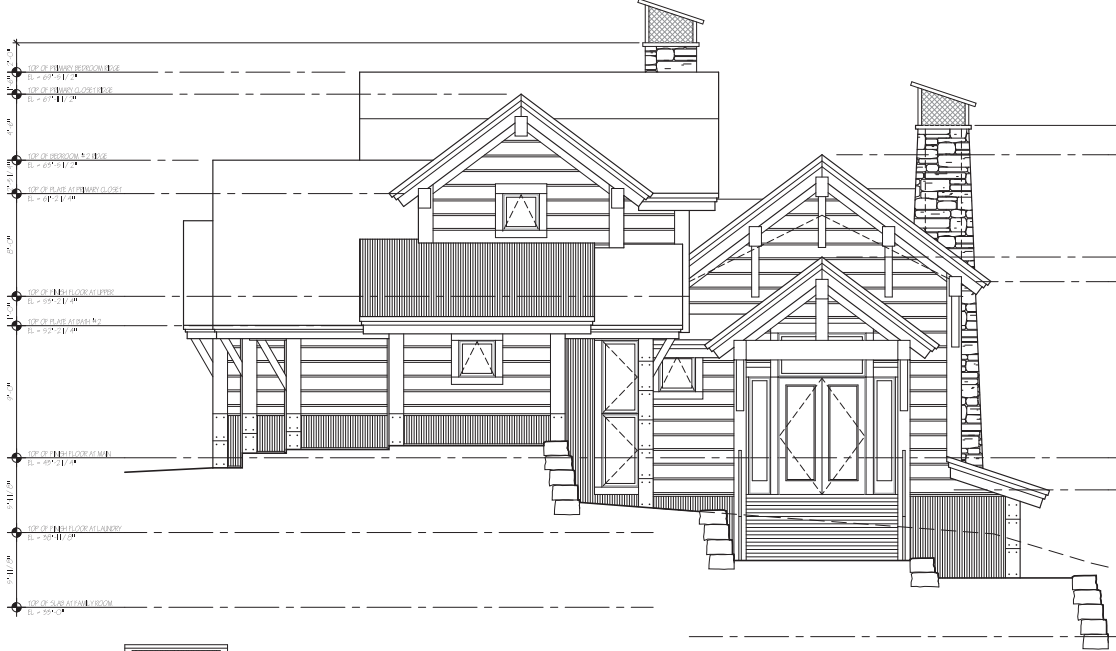
CONCRETE FLOOR BELOW FINISH,  
 PRE-FINISHED STEEL PANELS AT  
 REAR PORCH

REAR PORCH  
 FLOORING

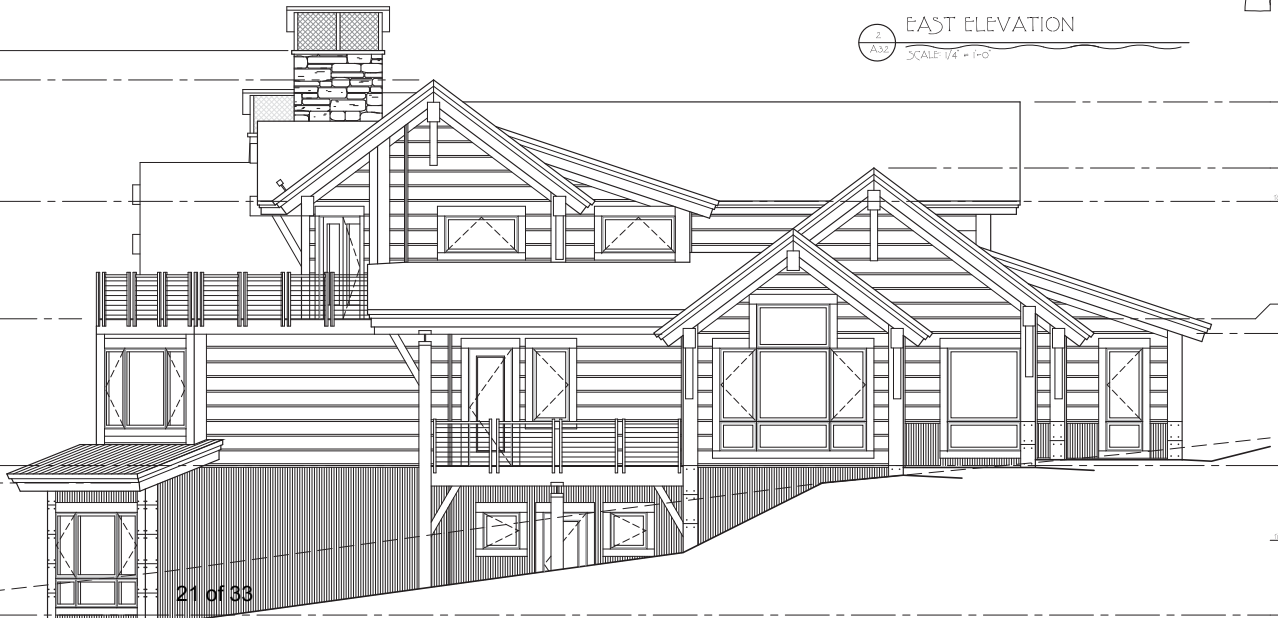
REAR PORCH  
 COMBINATION STEEL

TOP OF SLAB AT REAR PORCH





A32
 EAST ELEVATION  
 SCALE: 1/4" = 1'-0"













A32
 SOUTH ELEVATION  
 SCALE: 1/4" = 1'-0"

# KHAVARI RESIDENCE

EXTERIOR MATERIALS SCHEDULE

DATE: 5 MARCH 2012

LABEL	ITEM	COLOR	DESCRIPTION
M1	ROOF		ASPHALT SHINGLES - ELK PRESTIQUE PLUS 50 YEAR, COLOR SHALL BE "BARKWOOD"
M2	METAL ROOF		PRE-PATINAED CORREGATED STEEL
M3	FASCIA		2X CEDAR PER DETAIL - STAIN WITH SUPER-DECK #1908 - "COASTAL GREY"
M4	SOFFIT		1X6 CEDAR T&G - STAIN WITH SUPER-DECK #1908 - "COASTAL GREY"
M5	HORIZONTAL SIDING		2X12 CEDAR SIDING - STAIN WITH SUPER-DECK #1908 "COASTAL GREY" THINNED TO 75% CONCENTRATION - METAL FLASHING BETWEEN EACH COURSE
M6	METAL SIDING		PRE-PATINAED SHEET STEEL PER DETAILS
M7	DOORS/ WINDOWS		JELD-WEN WINDOW COMPANY-"BRONZE"
M8	DOORS/ WINDOW TRIM		2X CEDAR PER DETAILS - STAIN WITH SUPER-DECK #1908 - "COASTAL GREY"
M9	STONE VENEER		TELLURIDE GOLDSTONE OR EQUAL
M10	CAP AT STONE VENEER		3" SANDSTONE "BUFF"


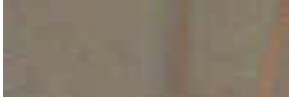




NOTE: ALL EXPOSED METAL INCLUDING, BUT NOT LIMITED TO, FLASHING, DRIP EDGE, VENT STACKS, FLUE PIPES, ETC, SHALL BE DARK BROWN



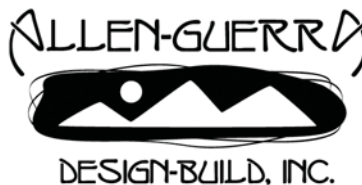
# KHAVARI RESIDENCE

## EXTERIOR MATERIALS SCHEDULE

DATE: 5 MARCH 2012

LABEL	ITEM	COLOR	DESCRIPTION
M11	CHIMNEY CAP		STEEL ANGLE STOCK & MESH PER DETAILS - COLOR TO BE "RUSTED"
M12	EXPOSED POSTS/ BEAMS		TIMBER POSTS AND GLULAM BEAMS STAIN W/ TIMBERDECK #1908 "COASTAL GREY"
M13	WOOD DECKS		EVERGRAIN COMPOSITE DECKING - COLOR SHALL BE "WEATHERED WOOD" OR EQUAL
M14	DECK RAILS		FABRICATED STEEL RAILS - PAINT/ POWDER COAT - COLOR SHALL BE "BRONZE"
M15	GARAGE DOORS		PRE-PATINAED SHEET STEEL PER DETAILS, 1 RIM WITH 2X CEDAR PER DETAILS - STAIN W/ SUPERDECK #1908 "COASTAL GREY"
M16	FLASHING, GUTTERS & DOWNSPOUTS		COLOR SHALL BE "BRONZE"

NOTE: ALL EXPOSED METAL INCLUDING, BUT NOT LIMITED TO, FLASHING, DRIP EDGE, VENT STACKS, FLUE PIPES, ETC, SHALL BE DARK BROWN





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## MEMORANDUM

**TO:** Planning Commission

**FROM:** Chris Neubecker, Current Planning Manager

**DATE:** March 16, 2012

**SUBJECT:** Vendor Carts Policy (New Policy 49/Vendor Carts)

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The Town of Breckenridge is currently under a moratorium on the submission, acceptance, processing and approval of applications for temporary vendor carts while staff develops a new policy to address these uses. The moratorium expires July 1, 2012.

Staff presented an ordinance to the Town Council for first reading on March 13<sup>th</sup> to create a new Development Code Policy 49 (Absolute) Vendor Carts. The new policy is designed to allow existing vendors to stay in business, but requires that vendors come into compliance with new design standards upon renewal of their permits. The ordinance also sets a cap of 4 small vendor carts in the Conservation District, and prohibits any additional large vendor carts in the Conservation District other than those currently permitted.

Some changes to the ordinance from the last time staff presented this issue to the Commission include:

- Define “large vendor carts” as larger than 40 square feet, or any cart that stays in its location overnight
- Define small vendor carts as any cart 40 square feet or small which is removed each night
- Limit outdoor seating at large vendor carts to 3 tables with 12 seats
- Prohibit outdoor seating at small vendor carts
- Require a Class B Minor application with public notice. The application fee would be \$1,370.
- Vendors provide some type of site improvements, such as patio, decking, awnings, landscaping, etc.
- Require vendor carts to count as density
- Must connect to sewer system if connected to Town water system
- Allow generators only as emergency backup power
- All extension cords must be located out of public view and not create a public safety hazard
- Require trailer hitches to be covered, but not removed

The Town Council also wanted to allow a vendor cart that has been in operation in the same location for a period of 25 years or longer that has acquired historic, cultural or other special significance to be exempt from these new regulations. We will be adding language to address this issue in the new ordinance.

Attached for your review is the ordinance as presented to the Town Council during the night meeting on



March 13<sup>th</sup>. We note that changes to the ordinance from the work session are shown with added language underlined, and language removed shown in ~~striketrough~~.

We welcome feedback from the Commission on the propose ordinance.

1 ***AS REVISED AFTER WORKSESSION***

2  
3 COUNCIL BILL NO. 12

4  
5 Series 2012

6  
7 AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE  
8 TOWN CODE, KNOWN AS THE “BRECKENRIDGE DEVELOPMENT CODE”, BY  
9 ADOPTING A NEW POLICY 49 (ABSOLUTE), ENTITLED “VENDOR CARTS”, AND  
10 MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE  
11 RELATED TO SUCH NEW DEVELOPMENT POLICY

12  
13 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
14 COLORADO:

15  
16 Section 1. The definitions of “Transient Vendor Cart”, “Temporary Vendor Cart,” and  
17 “Transient Vendor Carts” set forth in Section 9-1-5 of the Breckenridge Town Code are deleted.

18 Section 2. Section 9-1-5 of the Breckenridge Town Code is amended by the adoption of  
19 the following additional definitions:

LARGE VENDOR CART: A vendor cart that is either: (i) larger than forty square feet in size; or (ii) is not removed from its site and properly stored out of public view each day.

SMALL VENDOR CART: A vendor cart that is both: (i) forty square feet or smaller in size; and (ii) removed from its site and properly stored out of public view each day.

SPECIAL EVENT VENDOR CART: A wagon, cart, booth, or similar temporary structure designed and used for the sale of goods and services at a special event for which the Town has issued a special event permit pursuant to Chapter 13 of Title 4 of this Code.

VENDOR CART: A temporary structure in the form of a wagon, cart, booth, or other similar structure designed and intended for the sale of goods and services. The term “vendor cart” includes (i) a large vendor cart; (ii) a small vendor cart; and (iii) a special event vendor cart.

20  
21 Section 3. Item S (Temporary vendor carts.) in the definition of “Class D Development”  
22 in Section 9-1-5 of the Breckenridge Town Code is deleted.

1  
2        Section 4. The definition of “Class B – Minor” development in Section 9-1-5 of the  
3 Breckenridge Town Code is amended by the addition of a new item E, which shall read in its  
4 entirety as follows:

5  
6        E. Vendor Carts (Large Vendor Carts and Small Vendor Carts)

7  
8        Section 5. Chapter 1 of Title 9 of the Breckenridge Town Code is amended by the  
9 addition of a new Policy 49 (Absolute)(Vendor Carts), which shall read in its entirety as follows:

10  
11        **49. (ABSOLUTE) VENDOR CARTS:**

12  
13        A. **Vendor Cart Locations:** Large vendor carts and small vendor carts are  
14 permitted only in those Land Use Districts where commercial uses are an allowed  
15 or recommended land use. Special event vendor carts are permitted anywhere  
16 within the Town if authorized by a special event permit issued by the Town  
17 pursuant to Chapter 13 of Title 4 of this Code

18  
19        B. **Vendor Cart General Design Standards:** Large vendor carts and small  
20 vendor carts are subject to the following general design standards:

21  
22        1. **General Design Standards - Within the Conservation District:** The  
23 following general design standards apply as indicated to large vendor carts and  
24 small vendor carts located within the Conservation District:

25  
26            A. All large vendor carts and small vendor carts shall be designed to  
27 blend in with the existing historic character. This shall be accomplished through  
28 the proper use of architecture, materials and site planning. In the Conservation  
29 District, large vendor carts shall complement the surrounding building character  
30 through the use of high quality materials and detailing. Placing a large vendor cart  
31 in an unfinished vacant lot with no site improvements is prohibited.

32  
33            B. All large vendor carts and small vendor carts must be constructed of  
34 professional quality for use as a food vending cart.

35  
36            C. All large vendor carts and small vendor carts must be maintained in  
37 good working condition with no broken or rusty parts. All exterior materials must  
38 be kept clean and in a neat appearance. No rusty or broken metal or chipped or  
39 broken wood is allowed. All exposed edges must be finished. All wood details  
40 and finishes must be suitable for long wear in an exterior location. All detailing,  
41 construction and finishing shall be done in a craftsman like manner.

42  
43        2. **General Design Standards - Outside the Conservation District:** The  
44 following general design standards apply as indicated to large vendor carts and  
45 small vendor carts located outside of the Conservation District:

1           A. All large vendor carts and small vendor carts must be constructed of a  
2 professionally quality for use as a food vending cart.  
3

4           B. All large vendor carts and small vendor carts must be in good working  
5 condition, with no broken or rusty parts. All exterior materials must be kept clean  
6 and in neat appearance. No rusty or broken metal or chipped or broken wood is  
7 allowed. Metal and wood may be used as exterior finishes. The gauge, detailing  
8 and finish of all metal surfaces shall be suitable for long-term use in an exterior  
9 location. All exposed edges must be finished. All metal used in carts shall have  
10 concealed seams and overlapping joints. All wood details and finishes must be  
11 suitable for long wear in an exterior location. All detailing, construction and  
12 finishing shall be done in a craftsman like manner. No rough-cut, unfinished or  
13 distressed woods will be considered as finish materials.  
14

### 15 **3. Additional Requirements for All Vendor Carts:**

16  
17 **A. Large Vendor Carts:** The following additional design and operational  
18 standards apply to large vendor carts:  
19

- 20           1. Large vendor carts must be located on private property.
- 21           2. Large vendor carts may only sell food and beverages in forms suited for  
22 immediate consumption.
- 23           3. The area of a large vendor cart counts as density. The density shall be assessed  
24 against the real property on which the vendor cart is located.
- 25           4. Large vendor cart owners shall improve the immediate area around their  
26 business through the installation of pavers, landscaping, awnings, and/or  
27 small decks to help the vendor carts to look less temporary, and to blend  
28 into the surrounding character. Where the surrounding area is already  
29 improved with such finishes as listed above, this requirement may be  
30 waived by the Planning Commission.
- 31           5. The maximum size of a large vendor cart is 100 square feet.
- 32           6. The maximum height of a large vendor cart is 10 feet.
- 33           7. If a large vendor cart is connected to the Town's municipal water system, the  
34 owner must pay water plant investment fees for the vendor cart. If a large vendor  
35 cart is connected to the Town's municipal water system, it must also be connected  
36 to the public sanitation system.
- 37           8. If a large vendor cart uses a commissary kitchen, the commissary kitchen must be  
38 identified on the vendor cart permit application, and any applicable water plant  
39 investment fees must be paid by the owner of the commissary kitchen. If the  
40 commissary kitchen changes during the term of the permit, the large vendor cart  
41 permit holder must notify the Director within 10 days of the date of the change.
- 42           9. Siding and other compatible materials used on a large vendor cart must wrap all  
43 sides of the vendor cart.
- 44           10. Exterior colors used on a large vendor cart must meet Town's color chroma  
45 palette. The color of all large vending carts shall be selected from the Munsell  
46 Book of Color on file with the Community Development Department. The

- 1 maximum chroma for the exterior of a large vending cart shall be 4 (unless red or  
2 yellow are used, then a maximum chroma of 6) and a maximum value of 6.
- 3 11. All signs for a large vendor cart shall be subject to the Breckenridge Sign Code.  
4 One permanent free standing signs is allowed for a large vendor cart, unless  
5 otherwise prohibited by the Breckenridge Sign Code.
- 6 12. Generators are prohibited for large vendor carts, except for use as an emergency  
7 source of power when the permanent source of power to the large vendor cart is  
8 temporarily unavailable.
- 9 13. If a large vendor cart has wheels, the wheels shall be permanently screened with a  
10 skirting design architecturally compatible with the exterior of the cart.
- 11 14. Any trailer hitch on a large vendor cart must be removed- or completely covered  
12 from view.
- 13 15. Owners of large vendor carts must obtain and maintain in full force and effect  
14 throughout the permit a valid Town of Breckenridge business license.
- 15 16. Large vendor carts must be wind-proof, water proof and locked when not in  
16 operation.
- 17 17. ~~On~~ No tables or outdoor seating are allowed for a large vendor cart door seating  
18 for a large vendor cart is limited to a maximum of 12 seats and 3 tables.
- 19 18. The operator of a large vendor cart shall comply with all applicable health  
20 regulations with respect to the operation of the large vendor cart.

21  
22 **B. Small Vendor Carts:** The following additional design and operational  
23 standards apply to small vendor carts:

- 24
- 25 1. Small vendor carts must be located on private property.
- 26 2. Small vendor carts may only sell food and beverages in forms suited for  
27 immediate consumption.
- 28 3. Small vendor carts must be removed from its site and properly stored out of  
29 public view each day.
- 30 4. ~~No water plant investment fees shall be paid if a small vendor cart is not~~  
31 ~~connected to the Town's municipal water system.~~ If a small vendor cart is  
32 connected to the Town's municipal water system, the owner must pay water plant  
33 investment fees. If a small vendor cart is connected to the Town's municipal  
34 water system, it must also be connected to the public sanitation system.
- 35 5. If a small vendor cart uses a commissary kitchen, the commissary kitchen must be  
36 identified on the vendor cart permit application. If the commissary kitchen  
37 changes during the term of the permit, the small vendor cart permit holder must  
38 notify the Director within 10 days of the date of the change.
- 39 6. Umbrellas may be used on a small vendor cart. Tents on or at small vendor carts  
40 are prohibited.
- 41 7. All signage must be attached to small vendor cart. Free standing signage on or for  
42 a small vendor cart is prohibited.
- 43 8. All storage boxes, cartons, and coolers used in connection with the operation of a  
44 small vendor cart shall be hidden from public view.

1 9. No decks, tables, or outdoor seating are allowed for a small vendor cart, except  
2 one seat for the operator of the small vendor cart.

3 ~~10. Small vendor carts must have self-contained power.~~ No external piping or  
4 plumbing is allowed.

5 11. Extension cords may be used for a small vendor cart only if the cord is not located  
6 in an area where the public walks, and the placement of the extension cord does  
7 not create a public safety hazard.

8 ~~10. No electrical extension cords are allowed.~~

9 ~~11.~~12. Small vendor cart must be on wheels.

10 ~~12.~~13. Owners of small vendor carts must obtain and maintain in full force and  
11 effect throughout the permit a valid Town of Breckenridge business license.

12 ~~13.~~14. All signs for a small vendor cart shall be subject to the Breckenridge Sign  
13 Code. The maximum allowed sign area for a small vendor cart is 66% of the  
14 linear frontage of the cart.

15 ~~14.~~15. The operator of a small vendor cart shall comply with all applicable health  
16 regulations with respect to the operation of the small vendor cart.

17  
18 **C. Special Event Vendor Carts:** Special event vendor carts may be approved  
19 only in connection with and pursuant to the procedures for the review and  
20 approval of a special event permit issued by the Town pursuant to Chapter 13 of  
21 Title 4 of this Code. Special event vendor carts are subject to the applicable terms  
22 and conditions of the special event permit. Except as specifically provided in this  
23 Policy, the provisions of this Policy do not apply to special event vendor carts.

24  
25 **D. Duration of Development Permit:** A development permit for a large vendor  
26 cart issued pursuant to this Policy shall be valid for three (3) years as provided in  
27 Section 9-1-17-8 of this Chapter, and may be renewed. A development permit for  
28 a small vendor cart issued pursuant to this Policy shall be valid for one (1) year,  
29 and may be renewed. A development permit issued pursuant to this Policy may  
30 also be revoked for cause as provided in Section 9-1-6 of this Chapter.

31  
32 **E. Limitation on Number of Vendor Cart Permits:**

33  
34 1. The total number of development permits for each type of vendor cart that may  
35 be issued by the Town under this Policy for locations within the Conservation  
36 District are as follows:

37

Permit Type	Maximum No. of Permits
Large Vendor Carts	3
Small Vendor Carts	4
Special Event Vendor Carts	No limit

38  
39 The Town shall never issue more permits of any type than the number of permits  
40 provided in this Subsection 1.

1  
2 2. There is no limit on the number of development permits that may be issued by the  
3 Town for large vendor carts or small vendor carts located outside of the Conservation  
4 District.

5  
6 3. The limitations of subsection 1 of this Section E do not require the closure or  
7 removal of any vendor cart operating within the Town as of the effective date of  
8 this Policy pursuant to a valid development permit. On the effective date of this  
9 Policy all vendor carts for which a valid development permit exists may continue  
10 to be operated under the terms and conditions of the approved development  
11 permit until the first to occur of: (i) the permit expires; (ii) the permit is revoked  
12 by Town in accordance with this Chapter; (iii) the permit is voluntarily  
13 surrendered; (iv) the permit is not renewed by the permittee or the Planning  
14 Commission; or (v) the vendor cart is otherwise required to be closed or removed  
15 for any lawful reason. Upon the occurrence of any event described in the  
16 preceding sentence the owner or operator of the vendor cart that was previously  
17 permitted must obtain a new development permit, and in connection therewith  
18 must be brought into compliance with the requirements of this Policy.

19  
20 4. The limitations of subsection 1 of this Section E do not require the closure or  
21 removal of any vendor cart operating within the Town as of the effective date of  
22 this Policy for which a development permit was previously issued prior to the  
23 effective date of this Policy, but which expired during the moratorium period that  
24 occurred immediately prior to the effective date of this Policy. Within sixty (60)  
25 days after the effective date of this Policy the owners or operators of all vendor  
26 carts for which an expired development permit existed must submit an application  
27 for a new development permit. The vendor cart that is the subject of the  
28 application may remain in operation until the new development permit application  
29 is finally decided by the Town. In connection with approval of the new  
30 development permit application, the vendor cart must be brought into compliance  
31 with the requirements of this Policy.

32  
33 5. A large vendor cart for which a development permit is issued pursuant to this  
34 Policy may continue in operation until the first to occur of: (i) the permit is  
35 revoked by Town in accordance with this Chapter; (ii) the permitted vendor cart is  
36 not operated pursuant to the permit for a period of six (6) consecutive months;  
37 (iii) the permit is voluntarily surrendered (iv) the permit is not renewed by the  
38 permittee or the Planning Commission; or (v) the permitted vendor cart is  
39 otherwise required to be closed or removed for any lawful reason. Upon the  
40 occurrence of any of events described in the preceding sentence, the number of  
41 permitted large vendor carts described in subsection 1 of this Section E shall be  
42 permanently reduced by one (1) permit, and the cap number described in  
43 subsection 1 of this Section E may not thereafter be increased. A development  
44 permit for a large vendor cart may be transferred to a purchaser in the event of the  
45 sale of the vendor cart if the purchaser assumes and agrees to be bound by all of

1 the terms and conditions of the development permit. The provisions of this  
2 subsection 5 do not apply to small vendor carts.  
3

4 6. If the total number of small vendor cart permits issued by the Town ever drops  
5 below the cap number established in subsection 1 of this Section E, the Director  
6 shall conduct a random drawing of applications for a new small vendor cart  
7 development permit submitted by qualified applicants, and shall allow the  
8 development permit application to be processed only by the winner of the  
9 drawing. All unsuccessful development permit applications shall not be  
10 processed, and the application fee shall be refunded to the unsuccessful  
11 applicant(s). If the successful applicant withdraws the application, or if the  
12 application is not approved by the Town or accepted by the applicant, the Director  
13 shall conduct a second random drawing among the qualified applicants, and shall  
14 allow the development permit application to be processed only by the winner of  
15 the second drawing. To be permitted to participate in the drawing an applicant  
16 must have: (i) submitted a completed application; and (ii) paid the required  
17 application fee. The Director may establish further rules and regulations for the  
18 administration of the required random drawing by administrative rule and  
19 regulation adopted pursuant to Section 9-1-28. Such rules and regulations shall be  
20 consistent with the requirements of this Section.  
21

22 Section 6. Except as specifically amended hereby, the Breckenridge Town Code, and the  
23 various secondary codes adopted by reference therein, shall continue in full force and effect.  
24

25 Section 7. The following ordinances are repealed: (i) Ordinance No. 10, Series No. 2011,  
26 entitled “An Ordinance Imposing A Temporary Moratorium On The Submission, Acceptance,  
27 Processing, And Approval Of New Applications For Development Permits To Operate  
28 Temporary Vendor Carts”, and (ii) Ordinance No. 10, Series 2012, entitled “An Ordinance  
29 Amending Ordinance No. 10, Series 2011, By Extending The Temporary Moratorium On The  
30 Submission, Acceptance, Processing, And Approval Of New Applications For Development  
31 Permits To Operate Temporary Vendor Carts.”  
32

33 Section 8. The Town Council hereby finds, determines, and declares that this ordinance  
34 is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
35 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
36 thereof.  
37

38 Section 9 The Town Council hereby finds, determines and declares that it has the power  
39 to adopt this ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act,  
40 Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal  
41 zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv)  
42 Section 31-15-401, C.R.S.(concerning municipal police powers); (v) Section 31-15-501(1),  
43 C.R.S. (concerning the regulation of businesses); (vi) the authority granted to home rule  
44 municipalities by Article XX of the Colorado Constitution; and (vii) the powers contained in the  
45 Breckenridge Town Charter.  
46



