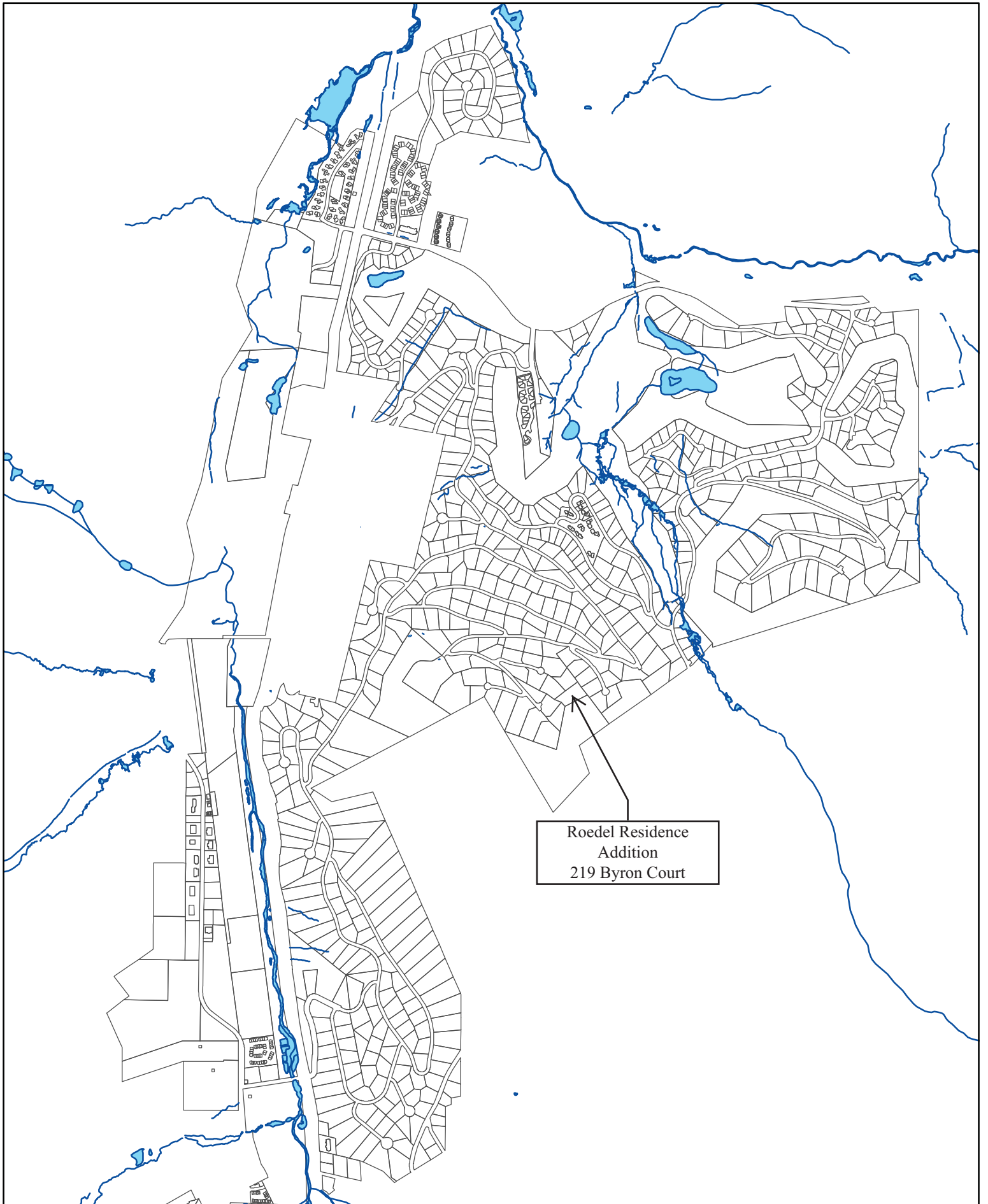


**Town of Breckenridge**  
**Planning Commission Agenda**  
Tuesday, May 1, 2012  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>7:00</b>	<b><i>Call to Order of the May 1, 2012 Planning Commission Meeting; 7:00 p.m. Roll Call Approval of Minutes April 17, 2012 Regular Meeting Approval of Agenda</i></b>	<b>4</b>
<b>7:05</b>	<b><i>Consent Calendar</i></b>	
	1. Palomo Building Change of Use (MM) PC#2012029 105 North Main Street	<b>15</b>
	2. Roedel Residence Addition (MGT) PC#2012030 219 Byron Court	<b>23</b>
<b>7:15</b>	<b><i>Town Council Update</i></b>	
<b>7:30</b>	<b><i>Worksessions</i></b>	
	1. Pastor's House Restoration, Rehabilitation, Addition, Local Landmarking (MM) PC#2012031 106 South Harris Street	<b>32</b>
<b>8:30</b>	<b><i>Other Matters</i></b>	
<b>8:45</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.*



Roedel Residence  
Addition  
219 Byron Court



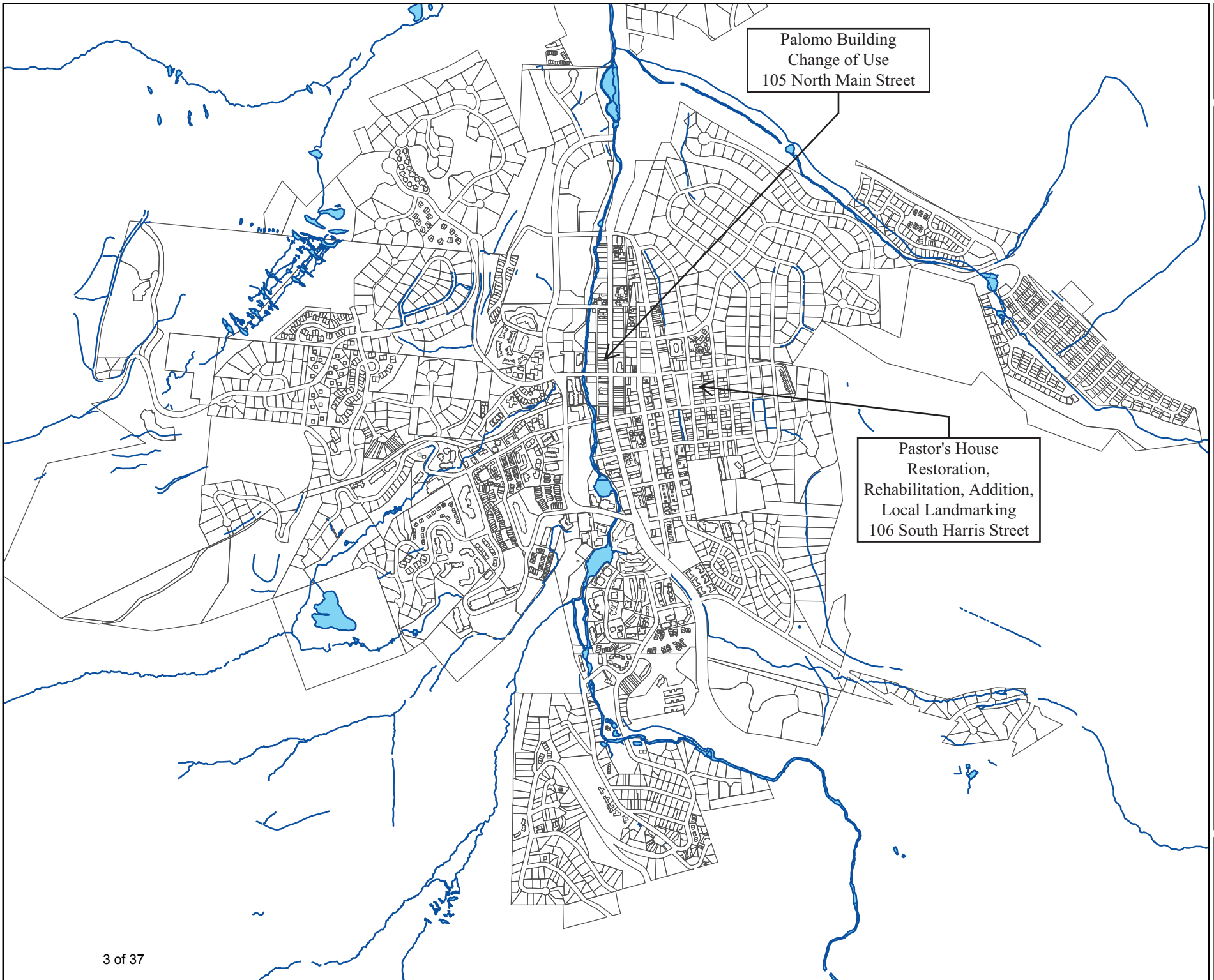
# Breckenridge North

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

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 7:01 p.m.

### ROLL CALL

Kate Christopher      Jim Lamb      Dan Schroder  
Gretchen Dudney      Michael Rath      Dave Pringle  
Trip Butler and Gary Gallagher, Town Council Liaison, were not present

### APPROVAL OF MINUTES

Ms. Dudney: On page 5 of the packet, at the top of the page, please change “incoherent” to “inherent”. With no other changes, the April 3, 2012 Planning Commission meeting minutes were approved unanimously (6-0).

### APPROVAL OF AGENDA

Staff and Applicant for Ski Side made a request for call up on the Ski Side Condominium Remodel PC#2012022, 1001 Grandview Drive.

With no other changes, the April 17, 2012 Planning Commission meeting agenda was approved unanimously (6-0).

### CONSENT CALENDAR:

- 1) Caldwell Residence (JP) PC#20120123, 211 Marksberry Way
- 2) **Ski Side Condominium Remodel (JP) PC#2012022, 1001 Grandview Drive**
- 3) Nordin Garage and Driveway (MM for MGT) PC#2012025, 517 Wellington Road
- 4) Pray Residence (MM for MGT) PC#2012026, 306 Lake Edge Drive
- 5) “House A” Residence (MM for MGT) PC#2012027, 738 Highfield Trail
- 6) Lot 10, Corkscrew Flats (MM for MGT) PC#2012028, 168 Corkscrew Drive
- 7) Goldflake Residence (MM for MGT) PC#2012024, 207 North Gold Flake Terrace
- 8) Shores Duplex, Lot 4A & 4B (MM) PC#2012021, 312 & 344 Shores Lane

Mr. Pringle made a motion to call up the Ski Side Condominium Remodel, PC#2012022, 1001 Grandview Drive. Ms. Dudney seconded, and the motion was carried unanimously (6-0) and moved to the end of the consent calendar for discussion.

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

Ski Side Condominium Remodel, PC#2012022, 1001 Grandview Drive Call-Up:

Ms. Puester gave a short presentation about the application for the Commission and the public in attendance. Ms. Puester also pointed out a modification regarding siding in the staff report on the Skipper/Sutter remodel that occurred as a Class D permit.

Ms. Puester discussed the proposed plans for remodel for the residential buildings, hot tub and dumpster. Staff commended the Applicant for an upgrade to the property including energy conservation improvements. Regarding Policy 5/R, effective in April of 2011, the concern is how little natural material is being proposed. Ms. Puester discussed in detail the materials proposed for all of the structures and presented the color renderings, pointing out the natural material proposed and color board to the Commissioners. Staff recommended negative three (-3) points; concerned that the amount of accent materials proposed (deck columns on residential and corner trim on hot tub building) did not meet the intent of natural materials in Policy 5/R. Staff recommended denial of application due to a non-passing point analysis.

Mr. Paul Dunkleman, Attorney for the Applicant: Surprised that we are here; they are going beyond to include energy in the remodel. We thought we had a fairly straight forward remodel. I don't see any language in the code that would recommend denial; says "natural materials on each elevation." By the code, we are good. We should not get negative points. It is a tight budget project; the Applicant wants to do more than the aesthetics with energy upgrades.

Ms. Michelle Tonti, Applicant: Units gross about \$20,000/year. Approached it from building performance perspective: improving insulation, hybrid hot water heaters, looking to cut energy consumption. Wants to put up a 50 year product instead of a 20 year project. Would rather spend money to cut an energy bill from \$300 to \$100. We are also rewiring communications. This budget is so tight that we are leaving wood siding on the dumpster. I think it meets many of the Town's goals. It is good decent workforce housing beyond what is out there. It reduces the carbon footprint and the bottom line is I don't believe the code says "some" natural materials, not trying to work a loop-hole. Looking to put out a project with better performance.

Ms. Darcy Hughes, Architect: We are approving the appearance and performance of the building. The Applicant is trying to limit the maintenance of the exterior and trying to increase the performance. Know that we are setting precedent here, but believe that we are meeting the code with the natural materials; don't think we are trying to get by with anything.

*Commissioner Questions / Comments:*

Mr. Schroder: Have you discussed with Staff Policy 33 *Energy Efficiency* to make up positive points? (Ms. Hughes: Yes, but studies that determine the rating and the uncertainty of the outcome is also a factor with the budget and timing. We are trying to meet the code without needing those positive points.) (Ms. Dudney: Do you know how much it would cost?) (Ms. Hughes: No.) (Ms. Tonti: Matt from HC3 (High Country Conservation Center) has been involved in those from the beginning and has done some studies on the building but not a finalized HERS rating). From the planning side of things the budget is not something that we can consider. We have to look at per the Development code. Other perspectives can be taken by the Town Council.

Mr. Pringle: Is it a price difference between the materials? Both cementitious and wood will need maintenance. Not sold that one will take less than the other. (Ms. Tonti: To me it is a maintenance issue. The wood is on a completely different cycle; probably staining every 5 years verses 10 years for cementitious.) We have many concerns and maintenance is one of those issues and we aren't compelled to think of budgets but it is in the back of our minds. Part of the dialog when we talked about when the policy was changed to allow the cementitious material wasn't meant to make the entire building of synthetic materials. This is where we get into the question about how much is enough. We have to think about the look that the Town is trying to maintain. (Ms. Tonti: It is not in the code today and the problem with aesthetics is that it is always someone's opinion. Unless you walk up to it, can you really tell me the difference from cementitious siding and wood?) Yes, and part of the Commission's role is to recommend what looks appropriate per code.

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

Mr. Schroder: I like the effort made for energy conservation; we don't have a way in the code to look at energy savings over time. I wish there was some way to get some positives towards what you are doing for energy regarding HERS. I do support Staff regarding the amount of natural materials used. We were at 25% synthetic at one point and I don't think that a wood beam every so many feet meets out current policy intent. I support negative three (-3) points.

Mr. Lamb: I love hardiplank; it is cheaper and it does last. I can tell the difference up close. The energy upgrades, I support those. But those aren't a part of the application for positive points, wish we

could give you points for that. The flip side of that is, I'm not seeing that threshold. I think it looks good; it does have some natural materials. Language is vague and I would feel better is we had a number to go off of.

Mr. Pringle: Was personally opposed to the fiber cement boards outside of the historic district in Town when the policy went through but it is in place because we are being sensitive to the needs for the Town and changing times. The siding is fine. I think we still have to go back and take a look at the trim boards and the belly board. All of this would go away if you put the wood trim on there; that would be my suggestion. I concur with the Staff's analysis.

Ms. Dudney: Concur with the three statements before me. The words in the code talks about accents but the paragraph before it suggests otherwise. The code needs to be subjective and this is the first project coming through with this little amount of natural material proposed. It just wasn't what we had in mind and so I concur with the Staff's analysis. Suggest that trim be wood, or add a stone base. If not, then look at energy and landscape to regain some positive points.

Mr. Rath: Agrees with Staff as well. Natural materials help sell the rest of the exterior building as well as positive aesthetics. Our concern is where does this all end; hardiplank now and then in 10 years we are fighting off aluminum. We have to draw the line somewhere.

Ms. Christopher: Agree with Staff. How much is enough? The reason why we made it subjective is what happens when a 19% project comes in and it looks good but we can't pass it, so no number in there. This just isn't in the ballpark of what we are looking for with natural materials. It is subjective but that is how we meant it. (Ms. Dudney: I am not in favor of the percentages. I would be in favor of the wood trim. That is a very low percentage of the façade.) We have to set precedent with this application. (Mr. Lamb: But if they wrapped the building in stone then it would probably pass.) If there is a way to get positive points then I am in favor for that but I have to go with the negative three (-3) points now.

Mr. Pringle: Would the applicant be willing to come back and make some changes to the application? (Mr. Mosher: Besides a denial, there is the option to continue this application to another meeting so they could make changes and not have the application denied completely.)

Mr. Schroder: We would love to have this work. (Ms. Dudney: It seems as though some ways it could work: wood trim, stone trim, and offset with landscaping or energy.) We would recommend a continuance. (Mr. Dunkleman: Could we request a call up to Town Council? (Mr. Mosher: Yes, the Council could call it up as requested or could pass it as is with a denial.) (Mr. Tim Berry, Town Attorney: If the Council calls it up, it would be called up next Tuesday and scheduled for a hearing the following Council meeting.)

Mr. Rath: Does it make any sense for us to make suggestions for what would be more acceptable? Stone is an expensive remedy. Aesthetically, window trim, the majority of the material is the siding in itself. Speaking as a builder, it isn't going to cost more to put up wood over fiber cementitious. The maintenance difference is minor. The reason the metal is there is it is aesthetically pleasing but it is a quarter of the cost of the stone.

Mr. Schroder then opened the floor to Applicant about their preference or where this Application is going to go to a future meeting. Mr. Dunkleman stated the Applicant would like a continuance to another meeting to work on finishing up the HERS rating.

Mr. Pringle made a motion to continue the Ski Side Condominium Remodel application, PC #2012022, 1001 Grandview Drive. Ms. Christopher seconded, and the motion was carried unanimously (6-0).

#### **PRELIMINARY HEARINGS:**

1) Harris Residence Rehabilitation, Restoration and Addition (MM) PC#2012020, 206 South French Street Mr. Mosher presented. This property was subject to a Development Permit, the Cummins Residence and Setback Variance request, PC#2002014. This application was approved but never acted upon and has since expired. This application represents new applicant/owners and a similar proposal.

- The applicants propose to restore the historic house with new roof, replace damaged or non-historic siding, repair or replace windows, remove the non-historic bay window and attached shed.
- Add a new dormer to the east facing roof of the historic house.
- Relocate the historic out-building further back on the lot.
- Create a new full basement beneath the historic portion of the house (leaving the house in the historic location at the zero front-yard setback) and a portion the connector link.
- Build a 1.5 story addition at the rear of the property.
- Create a paver-strip driveway along the south edge of the property with a paver courtyard in front of the two-car garage, which will be access off of French Street.
- Locally Landmark the building creating ‘free’ basement density beneath the historic portion of the house.

Staff expressed concerns about the proposal to move the historic sheds inside the absolute 10-foot setback, cannot see a hardship that would support a variance. Moving the sheds so close to the property edges also is requiring the only tree on the property to be removed. There are concerns with the solid to void ratio on one elevation. The Agent is also questioning the assignment of the restoration points.

Ms. Janet Sutterley, Architect: Applicants are eventually applying for rear property access (as a separate application); hence where the programming for the design of the project is coming from. Their main priority is to have a courtyard where they will have all their outdoor living; no front yard with property. This will be their only area for living and they want it to be private. This is what generated this design so it wasn't a lengthy telescope type layout.

9A/9-R: We are 20 square feet over density. We have no points on the table with density. Going for zero for the point analysis for density. Respectfully disagree with staff for the negative five (-5) points for the relocation of the shed, the precedents all seem like a different situation. If we were taking it off the site, we are keeping it within the historical context of where sheds are supposed to be. It is reinforcing the historical context. I don't see there is any precedent set for that and disagree with the ones provided. We aren't moving the building at all; we are literally talking inches to square this building up.

Rear-setback: We aren't asking to move the outhouse. (Ms. Sutterley presented visual scenarios through a shed placement site plan with three options for locations; yellow being the preferred possibility.)

Historic points: This house is going to be as clean of a historic house restoration as you can get. We are taking everything that is non-historic. We are going to be able to obtain points due to the restoration. If you feel like the dormers are a problem we can take them off; it is not a make or break it thing. I don't think we should get dinged again for moving the historic shed on restoration points.

Trees: The front trees are off our property; they belong to the Town. They are really close to the house, but we don't have a problem with saving them. I do have a problem with the tree in the back. It is a young lodge pole and it is 20 feet tall. We will replace any trees that staff sees necessary. I don't know if 4" is enough, the tree might die anyway. The bottom line is I don't understand why it is law everywhere else where we have to have the 15" defensible space but here it is different. I'd rather replace it with whatever the necessary amount of trees will be. (Mr. Schroder: Where is the land where the possible tree replacements would go?) We could replace and put aspens. We could put some along the south side.

My initial point analysis, negative nine (-9) points for three setbacks; negative two (-2) for the heated courtyard, and then we don't have to worry about the snow stack; this ultimately makes sense. Hoping to get positive twelve (+12) points for restoration.

Moved out of context and it doesn't look like a shed. (Mr. Mosher: Negative points were assigned for moving sheds in two projects. I'm specifically citing the code as found in the report. It is a historic structure and it could be given negative points for relocating it. Staff's take is that sheds are just as important as the primary structures and contribute to the character of the site.) (Mr. Pringle: I could understand the Silverthorne House example.) (Mr. Mosher: Staff's interpretation of the code is that the shed is equal importance as a historical structure.) (Mr. Pringle: Is it possible to incorporate the shed into the addition and leave the shed intact?) (Mr. Mosher: Policy 80A comes into play.)

I'm trying to be creative, if we could take the shed itself and plug it onto the back of the structure. You wouldn't lose any of the fabric. We could also find that it isn't applicable in that specific case. (Mr. Mosher: Making sure that we don't go haywire on precedent. We have to be specific and maybe we could make it a special finding.) (Mr. Rath: You would end up losing two walls of the structure though.) (Mr. Pringle: From a historical precedent a lot of sheds have been placed into the homes.)

*Commissioner Questions / Comments:*

- Ms. Dudney: If it was an alley it would only have to be 5 feet? (Mr. Mosher: Correct.) (Mr. Lamb: Could it be an alley?) (Mr. Mosher: It would become an easement because it is on Town property.)
- Mr. Pringle: Didn't really get the feeling of a preliminary point analysis; where do they currently stand? (Mr. Mosher: Not miles away, but they are going to work out some of the key issues on that.)
- Mr. Lamb: Where is the window in the east Elevation? (Mr. Mosher: There are three but I suggested a possible skylight.)
- Ms. Dudney: The connector was fine? (Mr. Mosher: Yes.)

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

Staff believes that this project is off to a good start. Most of the policies of the Development Code and Handbook of Design Standards for the Historic and Conservation District are being met. Staff had the following questions for the Commission:

1. Would the Commission support a variance allowing the historic house to be replaced along the west property line at the existing zero-setback?
  - a. Ms. Dudney: Yes.
  - b. Mr. Pringle: Yes.
  - c. Mr. Lamb: Yes.
  - d. Ms. Christopher: Yes.
  - e. Mr. Rath: Yes.
  - f. Mr. Schroder: Yes.
2. Did the Commission support assigning negative five (-5) points for the relocation of the historic sheds to accommodate the new addition?
  - a. Ms. Dudney: Don't know, N/A.
  - b. Mr. Pringle: Undecided.
  - c. Mr. Lamb: Definitely there is precedent.
  - d. Ms. Christopher: Yes, I see negative points.
  - e. Mr. Rath: Not sure I agree, but sees negative five (-5) as well.
  - f. Mr. Schroder: Viable, yes to the negative five (-5).
3. Did the Commission support allowing a variance to be processed for locating the two out-buildings 5-foot off the rear property line instead of 10-foot? (Mr. Mosher: The Klack Placer parcel is Town owned and not proposed to be a future alley.)
  - a. Ms. Dudney: Can't agree to the variance. What is the intent of the rear property line? If



nothing is going to be built there, why not treat it similar to an alley and allow the 5-foot setback?

- b. Mr. Pringle: Undecided; even if we thought 5-feet was right you would still have to meet the variance.
- c. Mr. Lamb: Definite no, livability I don't see as hardship. Could it be an alley someday? 10-feet?
- d. Mr. Schroder: Support of the variance of 5-feet.
- e. Ms. Christopher: In support of the variance but not for livability hardship; 5-feet; it seems like imaginary space and that is why I feel like the 5-feet would work.
- f. Mr. Rath: Feels like an alley but it is private property; not a livability hardship; not in support of a variance.

Mr. Pringle: (To the Agent): Variance hardship criteria; how do you intend meet that?

- 4. Did the Commission support allowing the 1-foot encroachment of the roof eaves into the 3-foot side yard setbacks?
  - a. Ms. Dudney: Yes.
  - b. Mr. Pringle: Yes.
  - c. Mr. Lamb: Yes.
  - d. Mr. Schroder: Yes.
  - e. Ms. Christopher: Yes.
  - f. Mr. Rath: Yes.
- 5. Did the Commission support awarding positive nine (+9) points for the restoration efforts?
  - a. Ms. Dudney: Uncertain; reasons I would consider positive twelve (+12) are reasons stated by Applicant; not changing exterior, moving the sheds so little distance seems like not much of a change for me.
  - b. Mr. Rath: Can you explain why they didn't reach the positive twelve (+12)? (Mr. Mosher: Policy 24: identified this level of point to include: "*respecting the historic context of the site*". Between moving the sheds, the only tree and adding an addition, Staff felt the site had been compromised enough to not meet this criteria.) I am in support of the positive twelve (+12) points. Moving the shed a few feet shouldn't cause them to preserve this structure. We should be concerned about preserving these buildings not moving them. What if the Applicant chose not to restore the sheds? (Mr. Mosher: The points could be lower then.)
  - c. Mr. Pringle: I think that you and Staff can probably come to an agreement to the right amount of points. I would choose not to side on either one yet.
  - d. Mr. Lamb: I think it is a solid positive nine (+9) points; I have an open mind. An argument could be made for positive twelve (+12); but as for now I see it as a solid positive nine (+9).
  - e. Ms. Christopher: Ok with either positive nine (+9) or positive twelve (+12). If the Applicant wanted to fight for positive twelve (+12), I would support that.
  - f. Mr. Schroder: The site is being changed; we have changed the historic context, but there is a lot of good restoration. Not in support of positive twelve (+12) now but I am in support of positive nine (+9).

Ms. Dudney: What if we moved this to a completely different site? (Mr. Mosher: Taking it offsite could possibly warrant negative ten (-10) points as Chapter 6.0 strongly discourages moving historic buildings off-site. You want to keep it on the property at all costs if you can.)

Mr. Rath: Would Staff's point analysis change if the shed was not reconstructed and preserved? (Mr. Mosher: It would play into other descriptions of 9 and 12.)

Ms. Christopher: They wouldn't get as many restoration points? (Mr. Mosher: Important to consider site and the context changes; picking away at the context of the impact to the site.)

6. Did the Commission believe the size of the windows needs to be reduced to better meet the solid-to-void ratio on the west facing gable end of the addition?
  - a. Ms. Dudney: Yes, agrees with Mr. Mosher; it could have more ratio.
  - b. Mr. Pringle: Concurs with Ms. Dudney's point.
  - c. Mr. Lamb: Ok with the vertical ones, yes.
  - d. Ms. Christopher: Yes.
  - e. Mr. Rath: Yes.
  - f. Mr. Schroder: Yes.
7. Did the Commission support the smaller windows along the east elevation?
  - a. Ms. Dudney: Yes, fine with design.
  - b. Mr. Pringle: I'd make them more historically accurate but in agreement .
  - c. Mr. Lamb: Yes, off of the main street; maybe it could be more historic but I am objectionable.
  - d. Ms. Christopher: In agreement.
  - e. Mr. Rath: In agreement.
  - f. Mr. Schroder: Yes; in agreement.
8. Did the Commission support awarding positive two (+2) points for providing parking out of public view?
  - a. Ms. Dudney: Yes.
  - b. Mr. Pringle: Yes.
  - c. Mr. Lamb: Yes.
  - d. Ms. Christopher: Yes.
  - e. Mr. Rath: Yes.
  - f. Mr. Schroder: Yes.
9. Did the Commission believe the mature Lodge pole tree along the northeast property line should be preserved?
  - a. Ms. Dudney: Would like to hear from tree expert about if they think the tree will die anyway; however, I am influenced by neighbor's requests to keep it
  - b. Mr. Pringle: Location of the shed will dictate the longevity of the tree.
  - c. Mr. Lamb: Love to see it stay; like to hear from tree expert about alternatives; larger trees for significant replacements if it is removed.
  - d. Ms. Christopher: Be nice to see it stay; skeptical if the shed is there it might die; plan on landscaping anyway with suitable replacements.
  - e. Mr. Rath: Depends on what it would be replaced with. If you put in sizeable spruce you might get more of a privacy wall; would be improvement from Lodgepole.
  - f. Mr. Schroder: Sympathetic to neighbors, lose the Lodgepole, it doesn't hurt my heart; we are in reforestation mode as is. In support of anything other than Lodgepole.

Mr. Rath: What if they planted a buffer of trees creating more privacy for the public space? Could the shed be placed closer? (Mr. Mosher: The setbacks are absolute in Policy 9. Additionally site buffering is needed to meet Policy 7.) Is there some way with landscaping where points would be mitigated? (Mr. Schroder: Are points to be lost or gained by losing this tree?) (Mr. Mosher: The only reason the tree is being removed is because of the relocation of the shed so close to the property line. Also, this is the only tree on the property. Priority Policy 1 of the Handbook of Design Standards specifies *1. Respect the natural setting of the building site. Avoid damage to natural resources on site, including established trees. Preserve existing trees in their original location.*)

10. Did the Commission support preserving the trees in the front yard that are located in the Town ROW?
  - a. Ms. Dudney: Yes, support preserving.

- b. Mr. Pringle: Yes, try to preserve them but they aren't on her property.
- c. Mr. Lamb: Yes, preserve them; the excavation should be done in a sensitive manner to not damage its roots .
- d. Ms. Christopher: Be careful to not kill them, and if they die in construction they should be replaced.
- e. Mr. Rath: Looks like trees are severely crowded, it might benefit them to lose a couple of them; the ones that are closest to the house if they are sacrificed then the other ones might survive better.
- f. Mr. Schroder: Agree with Mr. Rath; thin the trees, and that we are careful with what remains. The trees aren't on the Applicants property; this actually brings us back to number 3.

With Commission direction, Staff suggested this application return for another review.

## 2) Stan Miller Master Plan Second Modification (MM) PC#2012012, 13541 Colorado Highway 9

Mr. Mosher presented a proposal to modify the existing Amended Miller Master Plan with a change in previously allowed uses and density allocations. (Note: the portion of the property owned by Braddock Holdings, Parcels F and D-2, will be reviewed as a separate modification to the Master Plan for their property.)

Since this is a Master Plan, it is subject to a Development Code based point analysis. However, this application seeks only to modify the density allocation and uses for a portion of the plan that should have no impact on the previously approved point analysis. As the property is developed, each development application will be subject to its own point analysis.

As mentioned above, this preliminary hearing acts as a 'preamble' to guide this application, with Planning Commission input, on to the Town Council for the applicant's desire to modify the Land Use Guidelines for 33-North (to include commercial uses), and to modify the Annexation Agreement to reflect these changes too.

### *Commissioner Questions / Comments:*

Ms. Dudney: Is that plan and the color rendering; is that the proposal? (Mr. Mosher: The map is the Master Plan subject to approval. The color rendering is a sample illustrative plan and not binding. ) It is very confusing in the report. Nowhere in the report does it say where it is going to go. (Mr. Mosher pointed out that the staff report and the included maps do show the location.) The key doesn't show commercial, it only shows mixed use. (Mr. Mosher: The commercial are included in "mixed uses", i.e.: parcel B and E are noted as Mixed Use on the map. The rendering is not part of the approved master plan; just the map.) You are asking us to consider "Assisted Living"? The rendering doesn't look anything like it. (Mr. Mosher: The rendering is not specific in showing every possible use. The illustrative plan addresses the required public access, public parking, pocket parks, that all were required from the previous approved Master Plan.) I want you to look at page 102 of what you gave to us. I need you to clarify. Look at the categories. If you look at the headings you have 3 different categories. You are telling me there are only two categories; this is really confusing. So there really are only two categories? So if we approve 1-9 and 1-21? (Mr. Mosher: Perhaps the Master Plan Map included in your packet would help. The heading is in bold and underlined titled Allowed and Prohibited Uses in Mixed Use Parcels and shows Residential Uses and Commercial Uses beneath it. This is Mixed Use. Perhaps I could have used underlining and bold to match it better.) (Mr. Bill Campie, Agent for the Applicant: The idea is that mixed use could have commercial and/or residential.)

Mr. Pringle: At one time we thought that incorporating work force housing this far out of Town wouldn't be the best. (Mr. Mosher: There would be a planned bus stop located here.) We are now not considering that consideration.

- Ms. Dudney: Have you thought of how you would work a deed restriction with assisted living? (Mr. Mosher: They are separated. We are discussing the impacts of the proposed uses, Residential and Mixed Use. We need to reflect on what the possible impacts could be and relay that back to the Town Council.) The new uses; what the Applicant would like would be to come back later and incorporate any of the uses on B, H and E? (Mr. Mosher: Yes.) (Mr. Grosshuesch: The Town Council housing committee has been pretty clear about not allowing assisted living to substitute for the affordable housing requirement. Assisted living would be in addition to the affordable housing units.)
- Mr. Campie: The way this was structured is that there was a very restrictive requirement of affordable housing. All of this is coupled with trying to meet some type of market demand. We are trying to get to the point where we can develop it based on the type of market. We are not changing the ratios of the affordable housing, the AMI requirements within that; anything we can do to promote development. Commercial, conflict of uses; concern how that with residential and how that affects ability to rent. The Town is trying to help service area, not a lot going on. Thinking that it will compete with downtown is pretty far-fetched; don't see that becoming a real conflict. Required to preserve trees, pocket park within project and open space corridors to river access. With regard to assisted living, etc: age-targeted housing; great idea since there isn't much in Town. Would create a sense of community. With regards to assisted living, big question with living at altitude. Is there really demand within that? Would the Town see it as public benefit? Not much certainty around it but a lot of questions around it as well; a lot of flexibility with that as well; placed here to create a sense of options. Independent living: basically independent with a few options, anyone can live there; can be rental, owned, etc. Assisted living: typically more staff on-site to support folks; inside of units would have small kitchenette, wheel chairs, where you need enough help but you are getting to that point where you can't deal with day-to-day stuff on your own. Dementia: memory impairment, specific arrangement for design; vary state-by-state; full medical help state.
- Ms. Dudney: What would be the minimum size of assisted living? (Mr. Campie: 20 units, 16 units, I have built some small ones. The trick is the density required for that since the units are small and there are a lot of common areas. Tough to say at this point.)
- Mr. Rath: Altitude for anyone who is unwell is not much of a reality, wouldn't build one here. Don't really see the market for it.
- Ms. Christopher: Did the report mention that we wouldn't do any of the sites where people aren't well? (Mr. Campie: It was more of a demand study. We don't want to rule it out. Usually a net win for the community; from a development standpoint it is totally up in the air.) (Mr. Mosher: I remind the Commission that we need to discuss the proposed uses of the site based on the Development Code.) (Mr. Grosshuesch: Want to steer Commission to discuss whether these uses are compatible together? Is this change going to introduce incompatibility?)
- Mr. Rath: Unless we actually see the design how could we actually make a decision? (Ms. Dudney: Mr. Rath is right; you might not feel ok with a huge assisted living place as you drive into Breckenridge.) (Mr. Campie: There can be no commercial uses larger than the maximum 20 SFE's for the commercial.)

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

Staff welcomed any Commissioner comments on the following:

1. Did the Commission have any Code related concerns with the proposed uses listed on the Master Plan notes?
  - a. Ms. Dudney: On Page 102; 30 uses, non-obnoxious uses and uses that would be entirely inside. Child Daycare might be something that would be different since there has to be outside play

- area; if they are limited to 20 SFE's for commercial, I am ok with all of it because it is just small projects that are market based
- b. Mr. Pringle: No, all would be compatible with Town; I don't feel that all listed would be compatible together; not opposed to introducing some of the commercial uses into this area.
  - c. Mr. Lamb: Like the mix of commercial and residential; support.
  - d. Ms. Christopher: No code issues, liked the mixed use.
  - e. Mr. Rath: No code issue, don't like master plan; it has been here since 2008 and it might be needing another review.
  - f. Mr. Schroder: No code issues.
2. Did the Commission support adding a Master Plan note be added similar to that on the Select 10, Snowflake Blocks 1 and 2 Master Plan (Reception #530269) stating "*Other commercial uses as may be approved by the Town under special review*"?
- a. Ms. Dudney: Yes.
  - b. Mr. Pringle: Yes.
  - c. Mr. Lamb: Yes.
  - d. Ms. Christopher: Yes.
  - e. Mr. Rath: Yes.
  - f. Mr. Schroder: Yes.
3. Did the Commission have any comment on the sizes and hours of operations of the proposed commercial uses?
- a. Ms. Dudney: No comment unless could hear specific use of proposals is.
  - b. Mr. Pringle: The sizes probably work; not so sure I want to be tied to hours of operation if I don't know what the uses are going to be (i.e.: coffee shop).
  - c. Mr. Lamb: Sizes are good; hours of operation are limited. Hours could keep it in check; if someone wanted to argue hours that could fit into # 2 as a special review for an argument.
  - d. Ms. Christopher: Like hours and square footage; would be nice if they needed different hours to submit and support their case.
  - e. Mr. Rath: Agree with keeping the hours open; I see that there is enough density where there might be a satellite village where people don't have to drive all the way to town to get something; all of this could be integrated.
  - f. Mr. Schroder: Hours will sort itself out; we will see all these things in the application.
4. Did the Commission have any special comments regarding the proposed residential uses that are not identified in the Development Code; "*Assisted Living*", "*Cooperative Housing units*", "*Dementia Care (as defined by the Colorado Department for Public Health and Environment)*" and "*Nursing Care (as defined by the Colorado Department for Public Health and Environment)*"?
- a. Ms. Dudney: As long as there is a square footage limitation, I am in favor of giving the developer flexibility in this regard. Changing market forces will always happen; wouldn't presume to tell them what they could or couldn't put in there, as long as it isn't a nuisance to the surrounding areas and uses.
  - b. Mr. Pringle: Assisted Living/Senior Living; state of CO has specific requirements. Don't want to weigh in with the Town of Breckenridge and the potential of these facilities; agree.
  - c. Mr. Lamb: Good we are accommodating uses that may be difficult to sell up here; nice to know there might be a need.
  - d. Ms. Christopher: Market will handle this; independent living might be the only thing to squeeze in; if it were to happen, parking like Wellington Neighborhood by spreading it out might be a better look instead of a huge parking lot.
  - e. Mr. Rath: We need to have some green and reestablish the trees to start to get rid of the rubble; example: Buena Vista; community feel; if assisted living worked up here I know it could be done well. No concerns, it is all about size and massing. The gateway to Town is important. The Town it creates an impression and I want it to be a good impression.

Mr. Schroder: Do these fall into hotels where they have X amount of parking spaces? How many of these would we want? Do we anticipate writing new code to address these facilities or is the Master Plan going to be the baseline? (Mr. Mosher: Yes, the master plan would be the baseline.) I would say maybe the assisted living could be here; would like to see no more than the one.

**OTHER MATTERS:**

Mr. Mosher: The Council Representative, Gary Gallagher, will be at the next meeting. Plan on discussing the topics for the joint Town Council and Planning Commission Meeting.

**ADJOURNMENT:**

The meeting was adjourned at 10:45 p.m.

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Dan Schroder, Chair

## Planning Commission Staff Report

- Subject:** Pommes Frites ala Carte Change of Use (Class C Minor; PC# 2012029)
- Date:** April 18, 2012 (for the May 1, 2012 meeting)
- Project Manager:** Michael Mosher, Planner III
- Applicant:** Jeff Palomo
- Proposal:** The applicant is proposing to change the use of the property/suite from general commercial (retail/office) use to a “snack-bar/deli” for use as a pommes frites (French fries) bar with on-site seating. The only change to the exterior of the building will be an exhaust fan on the north roof of the non-historic rear portion of the building.
- Address:** 105 North Main Street
- Legal Description:** Lot 79, Bartlett and Shock Addition
- Land Use District:** 19 - Commercial (1:1 FAR), Residential (20 UPA)
- Site Conditions:** The property has the existing Springmeyer Building (with an existing addition) abutting Main Street with a paved parking area off the alley. There is a shared parking and snow stacking agreement and easement that is shared with with Lot 80 to the south.
- Adjacent Uses:** North: Lot 78 (Chinese Laundry Building)  
South: Lot 80 (vacant lot)  
East: Town Square Mall  
West: alley, Blue River, and Sawmill Parking Lot
- Density:** No Change (570 sq. ft. is affected by the Change of Use)  
\*Change of use will impact the water Plant Investment Fee requirements.

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

**Parking:** See below

### Item History

Lot 79, Lot 80 and the Town of Breckenridge share a Grant and Dedication of Cross-Parking and Snow Stacking Easements and Agreement that was recorded in 1991. The property owners (at that time) and the Town agreed to providing nine shared parking spaces, private snow-stacking easement and a three-foot windrow snow-stacking easement. According to this document (Hyde and CDC were the original owners of the properties):

“Breckenridge acknowledges that by the creation of the Combined Parking Areas, consisting of a total of nine (9) parking spaces, and the granting of easements for snow-stacking, pursuant to this Agreement, CDC

and Hyde have satisfied all parking requirements of the Town of Breckenridge for the Properties, assuming maximum, full buildout of both properties”.

Essentially, this means that, unless the Agreement is modified, amended, or abandoned, the parking requirement and layout for both properties, regardless of the building sizes, has “**satisfied all parking requirements**” and has identified the associated snow-stacking as shown in the exhibit. Hence, Policies 13, Snow Storage and 18, Parking, are not applicable in this review.

### **Staff Comments**

**Architectural Compatibility (5/A & 5/R):** The only exterior impact associated with this change of use is the addition of an exhaust fan to the roof of the back portion of the building. It is located on the north slope of the roof (see attached image) and will be painted dark to match the color of the roof material. Staff has no concerns.

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

**Site Plan/Parking:** No changes are proposed to the site plan. And, as noted above, the parking requirement is met regardless of the proposed use.

**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 Pommes Frites ala Carte Change of Use at, 105 North Main Street (PC#2012029), and we recommend the Planning Commission uphold this decision.



**TOWN OF BRECKENRIDGE**

Pommes Frites ala Carte Change of Use  
105 North Main Street  
Lot 79, Bartlett and Shock  
PERMIT #2012029

**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 **April 18, 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 **May 1, 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 “Palomo Building Pommes Frites”, 105 North Main Street, Lot 79 Bartlett and Shock is for a 570 square foot “snack bar / delicatessen” for the purpose of Water Plant Investment Fees. As a result, all dishes, cups, and flatware used by customers shall be disposable. No dishes, cups or flatware that must be washed for re-use are allowed at this time. If the Applicant desires to change the use to “restaurant” for the purposes of Water Plant Investment Fees, or if the size of the space is increased, additional water plant investment fees will be required.

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.
6. 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.

**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 0.513 Single Family Equivalents (SFEs). If paid on or prior to December 31, 2012, this fee shall be \$2,692.74. 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 be responsible for paying any additional sewer tap fees to the Upper Blue Sanitation District.

## Project – Palomo Building – Pommes Frites Build-out

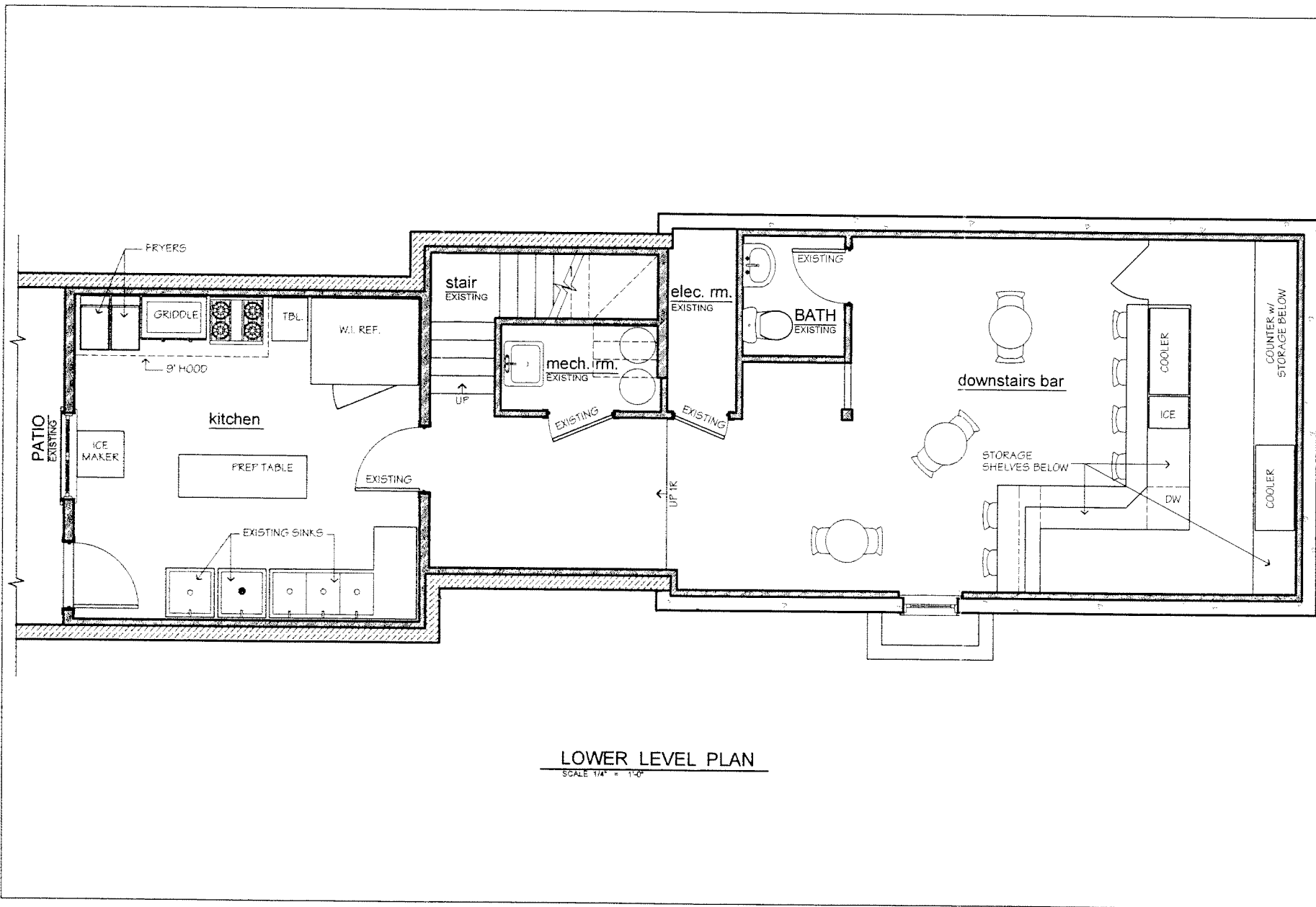
### Description of Proposal:

The business is Pommes Frites ala Carte, French for ‘French Fry’s’ and a common restaurant/snack bar model in Belgium. The model will consist of selling pommes frites in cones with a variety of toppings as options.

The build-out will include Class 1 hood in existing kitchen, the required mechanical equipment, as well as eating bar in the ground floor back portion of the building and an additional eating bar in the basement front portion of the building.

### Materials –

- In addition to the class 1 hood, the wall where hood and equipment will be, will be stainless steel façade. The layout is attached.
- Ground floor back eating bar will be made of wood with a bar back consisting of wood and/or cultured stone. Flooring is in place and will remain as is.
- Basement eating bar will be made of wood with bar back consisting of wood and/or cultured stone, virtually matching the one upstairs ground floor back. The walls will be cultured stone as well from floor to ceiling and the floor will be existing cement stained, polished and sealed.



**LOWER LEVEL PLAN**  
SCALE 1/4" = 1'-0"

MASON DESIGN & DRAFTING

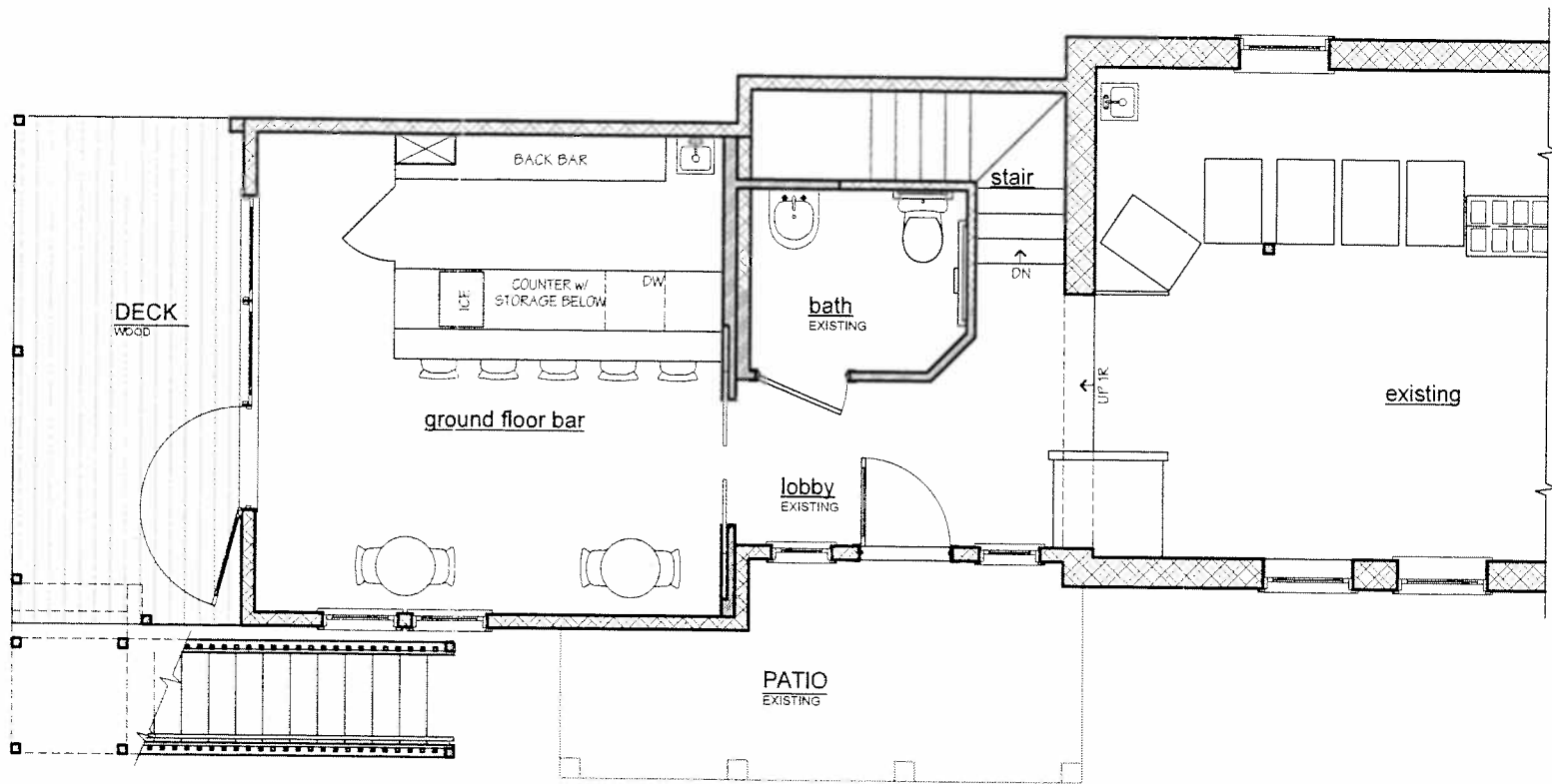
STEVE MASON  
720-939-7109  
MDESIGNDRAFTING@GMAIL.COM

TENANT FINISH

105 NORTH MAIN STREET  
BRECKENRIDGE, COLORADO

DATE:  
04/13/2012  
Preliminary

A-2



**GROUND FLOOR BAR**  
SCALE 1/4" = 1'-0"

MASON DESIGN & DRAFTING

STEVE MASON  
720-939-7109  
MDESIGNDRAFTING@GMAIL.COM

TENANT FINISH

105 NORTH MAIN STREET  
BRECKENRIDGE, COLORADO

DATE:  
04/13/2012  
Preliminary

A-1

# 105 NORTH MAIN RESTAURANT ■ MECHANICAL ENGINEERING LETTER

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DATE: 3/26/12

TO: Jeff Palomo, Owner  
[japalomo@comcast.net](mailto:japalomo@comcast.net)  
720-560-1832

PROJECT: **105 North Main Restaurant**  
Breckenridge, CO 80424

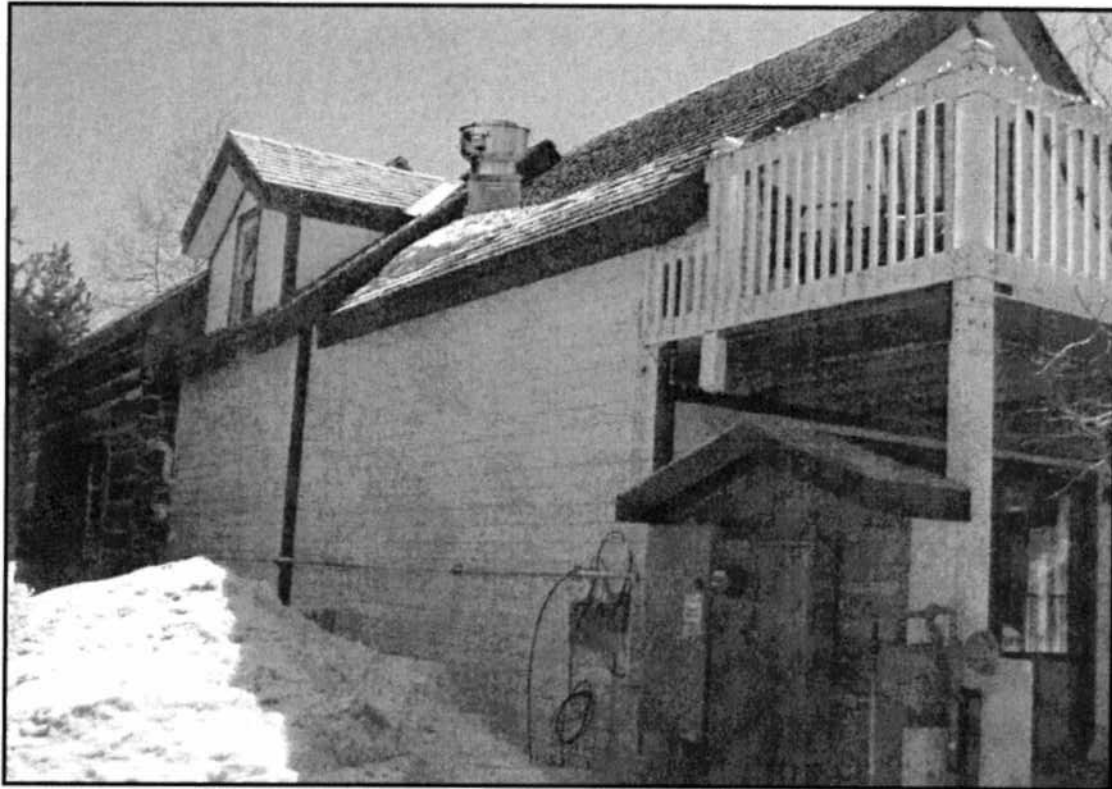
Dear Jeff,

It is our understanding that it is your desire to outfit your building at 105 North Main Street with a commercial kitchen. We have performed a site visit to review existing conditions and we have also briefly reviewed the applicable sections of the 2006 International Codes as well as the "Handbook of Design Standards for the Historic and Conservation Districts" for Breckenridge.

We provide this letter as a summation of the major mechanical work required to install a commercial kitchen, for initial concept sign-off by the Building Department and Historic District Planning Department.

## Anticipated Mechanical Work

- Install a new type I **grease exhaust fan on the roof**, set on a vented roof curb. This fan would be located on the rear of the building (see **Photo #1**) and should not be visible from Main Street. Additionally, the fan and curb can be ordered powder coated to have a color that blends in with the existing roofing color.



**Photo #1** – Rendering showing new proposed exhaust fan on backside of building.



COMMUNITY DEVELOPMENT

Class C Development Review Check List

**Project Name/PC#:** Roedel Addition PC#2012030

**Project Manager:** Matt Thompson, AICP

**Date of Report:** April 25, 2012 For the 05/01/2012 Planning Commission Meeting

**Applicant/Owner:** Rich and Peg Roedel

**Agent:** Janet Sutterley

**Proposed Use:** Addition to a single family residence

**Address:** 219 Byron Court

**Legal Description:** Lot 48, Highlands at Breckenridge, Filing 10

**Site Area:** 79,265 sq. ft. 1.82 acres

**Land Use District (2A/2R):** 6: Subject to the Delaware Flats Master Plan

**Existing Site Conditions:** The portion of the lot where the addition is proposed slopes downhill steeply at 21% from the driveway towards the rear of the disturbance envelope. The lot is moderately covered in lodgepole pine trees and existing landscaping. There is an existing 4,296 sq. ft. four bedroom and six bathroom single family residence on the property.

**Density (3A/3R):** Existing: 4,296 sq. ft. New: 1,567 sq. ft.

**Mass (4R):** Existing: 5,064 sq. ft. New: 1,567 sq. ft.

**F.A.R.:** 1:11.90 FAR

**Areas:**

**Lower Level:** 1,460 sq. ft. 839 sq. ft.

**Main Level:** 2,107 sq. ft. 728 sq. ft.

**Upper Level:** 729 sq. ft.

**Garage:** 768 sq. ft.

**Total:** 5,064 sq. ft. New total: 6,631 sq. ft.

**Bedrooms:** 6

**Bathrooms:** 8

**Height (6A/6R):** 32 feet overall  
(Max 35' for single family outside Historic District)

**Lot Coverage/Open Space (21R):**

Building / non-Permeable:	4,575 sq. ft.	5.77%
Hard Surface / non-Permeable:	2,776 sq. ft.	3.50%
Open Space / Permeable:	71,914 sq. ft.	90.73%

**Parking (18A/18R):**

Required: 2 spaces  
Proposed: 2 spaces

**Snowstack (13A/13R):**

Required: 669 sq. ft. (25% of paved surfaces)  
Proposed: 700 sq. ft. (25.22% of paved surfaces)

**Fireplaces (30A/30R):** 2 gas existing, one new gas

**Accessory Apartment:** N/A

**Building/Disturbance Envelope?** Disturbance envelope

**Setbacks (9A/9R):**

Front: within disturbance envelope  
Side: within disturbance envelope  
Side: within disturbance envelope  
Rear: within disturbance envelope

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

The proposed addition will be architecturally compatible with the neighborhood.  
To match existing residence with: 2x12 horizontal hand-hewn plank siding with 2" chinking, 1x vertical board and batten siding, 2x trim and fascia boards, exposed heavy timber columns, beams and truss elements, clad wood windows, and natural moss rock stone veneer.

**Roof:**

Heavy cut, thick butt 50-year composition shingles

**Garage Doors:**

Existing custom wood-sided garage doors

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

Planting Type	Quantity	Size
Existing Colorado Spruce	4	10'
Existing Bristlecone Pine	2	10'
Existing Aspen	5	2.5" caliper
Existing shrubs	5	5 gallon

**Drainage (27A/27R):**

Positive away from residence

**Driveway Slope:**

4 %

**Covenants:**

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

Staff conducted an informal point analysis and found no reason to warrant positive or negative points. The proposal meets all Absolute and Relative Policies of the Development Code.

**Staff Action:**

Staff has approved the Roedel Addition, PC#2012030, located at 219 Byron Court, Lot 48, Highlands at Breckenridge, Filing 10, with the Standard Findings and Conditions.

**Comments:**

**Additional Conditions of Approval:**



## TOWN OF BRECKENRIDGE

Roedel Addition  
Lot 48, Highlands, Filing 10  
219 Byron Court  
PC#2012030

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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 **April 25, 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 **May 1, 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 **November 8, 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. 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.
7. 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.
8. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
9. 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**

10. Applicant shall submit proof of ownership of the project site.
11. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Applicant shall install construction fencing in a manner acceptable to the Town Planning Department.
18. 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.

19. 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**

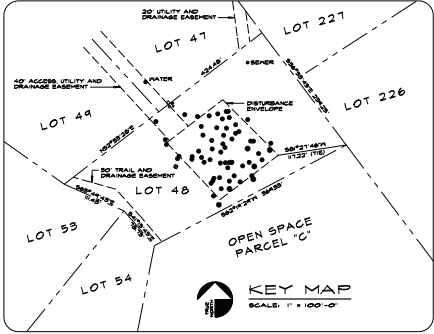
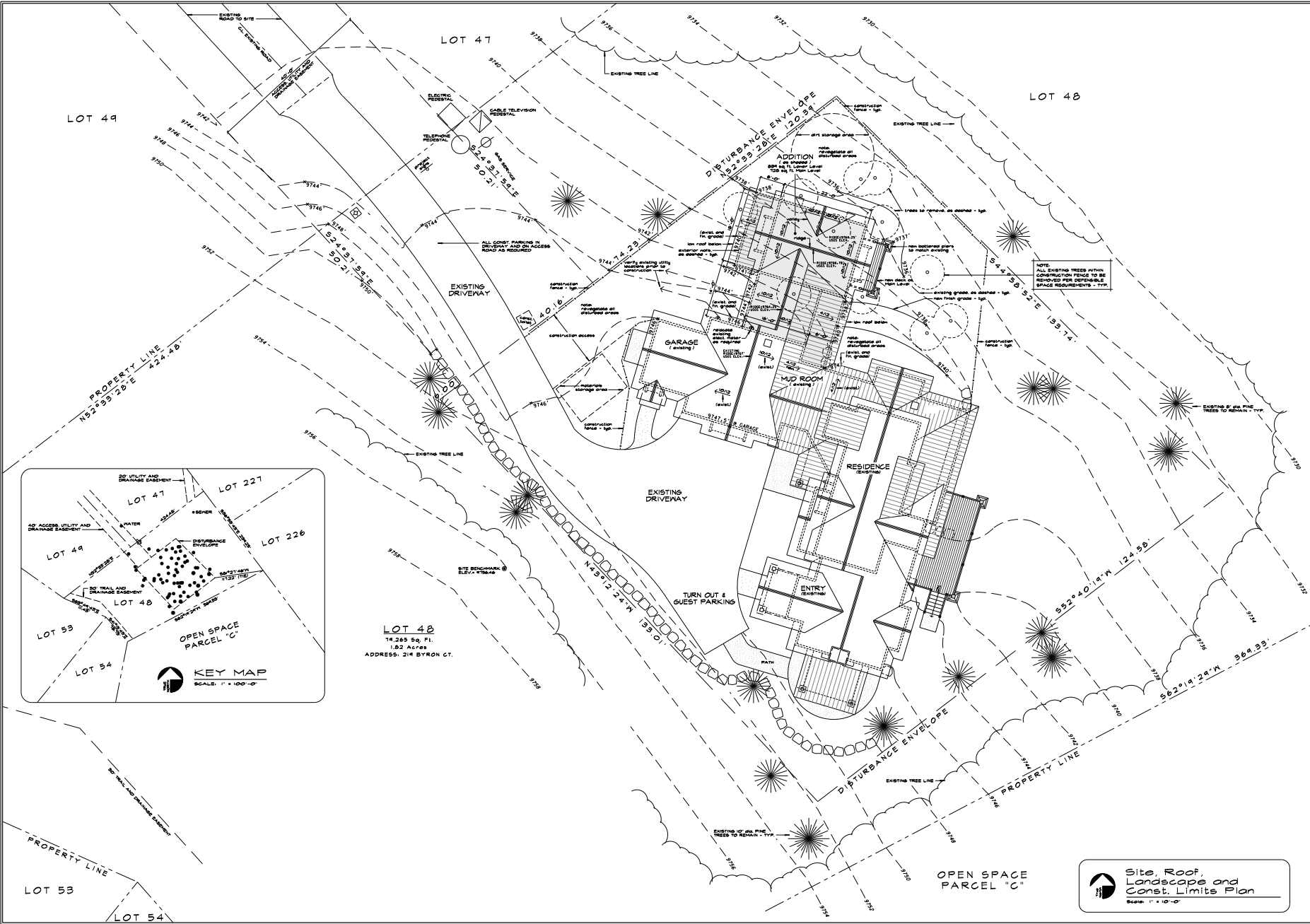
20. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
21. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
22. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
23. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
24. 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.
25. Applicant shall screen all utilities.
26. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
27. 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.
28. 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.
29. 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.**

30. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
31. 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)

WATER SERVICE  
 NOTE:  
 VERIFY WATER SERVICE SIZE  
 LOCATION WITH TOPOGRAPIHICAL SURVEY

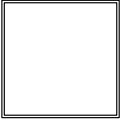


**LOT 48**  
 14,265 Sq. Ft.  
 1.02 Acres  
 ADDRESS: 214 BYRON CT.

**Site, Roof, Landscape and Const. Limits Plan**  
 Scale: 1" = 10'-0"

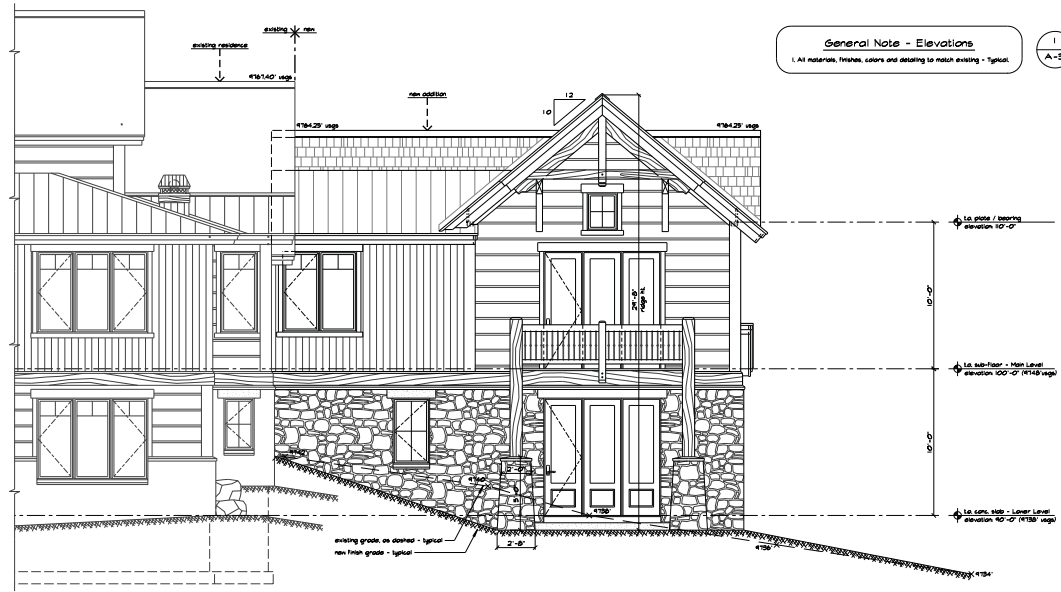
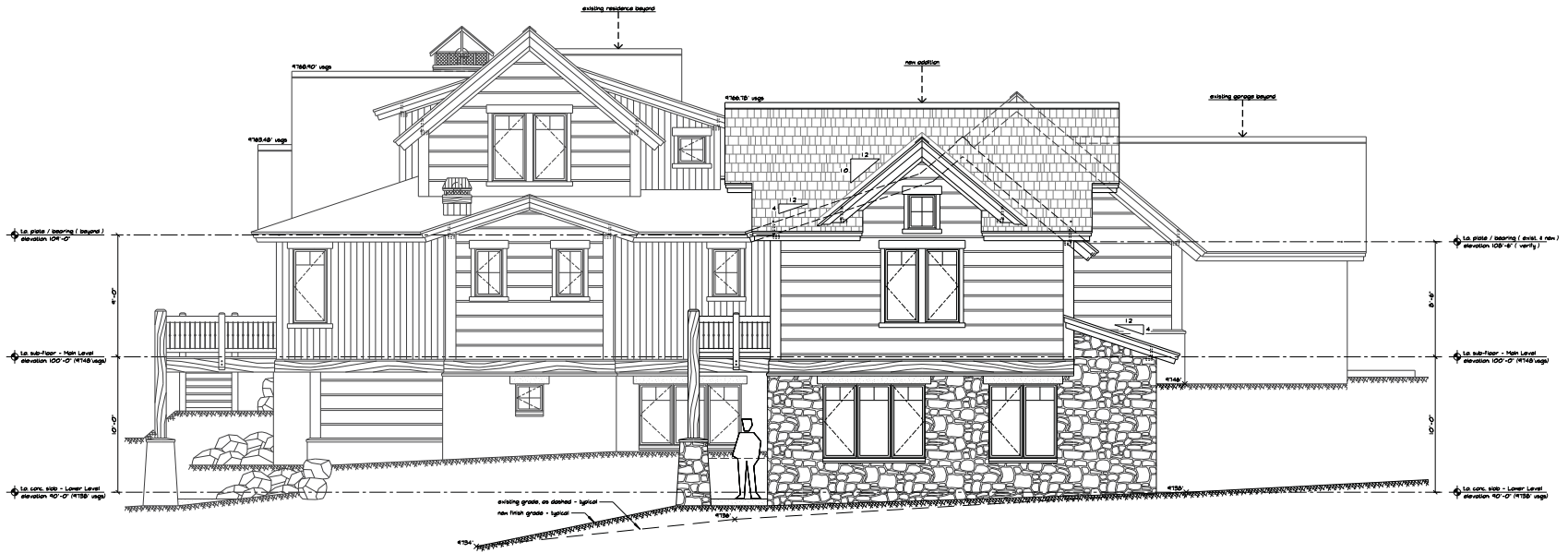
**ROEDEL RES. ADDITION**  
 THE HIGHLANDS AT BRECKENRIDGE  
 SUBDIVISION - LOT 48 - FILING #10  
 SUMMIT COUNTY, COLORADO

Site Plan, Landscape Plan, Const. Limits Plan  
 Scale: 1" = 10'-0"  
 Date: 04-16-2013



architectural consultation  
 HILL SURVEY ARCHITECT  
 P.O. Box 3810 Breckenridge, CO 80424 (970) 451-3718





General Note - Elevations  
 1. All materials, finishes, colors and details to match existing - typical.

1  
 A-3 North Elevation  
 Scale: 1/2" = 1'-0"

2  
 A-3 East Elevation  
 Scale: 1/2" = 1'-0"

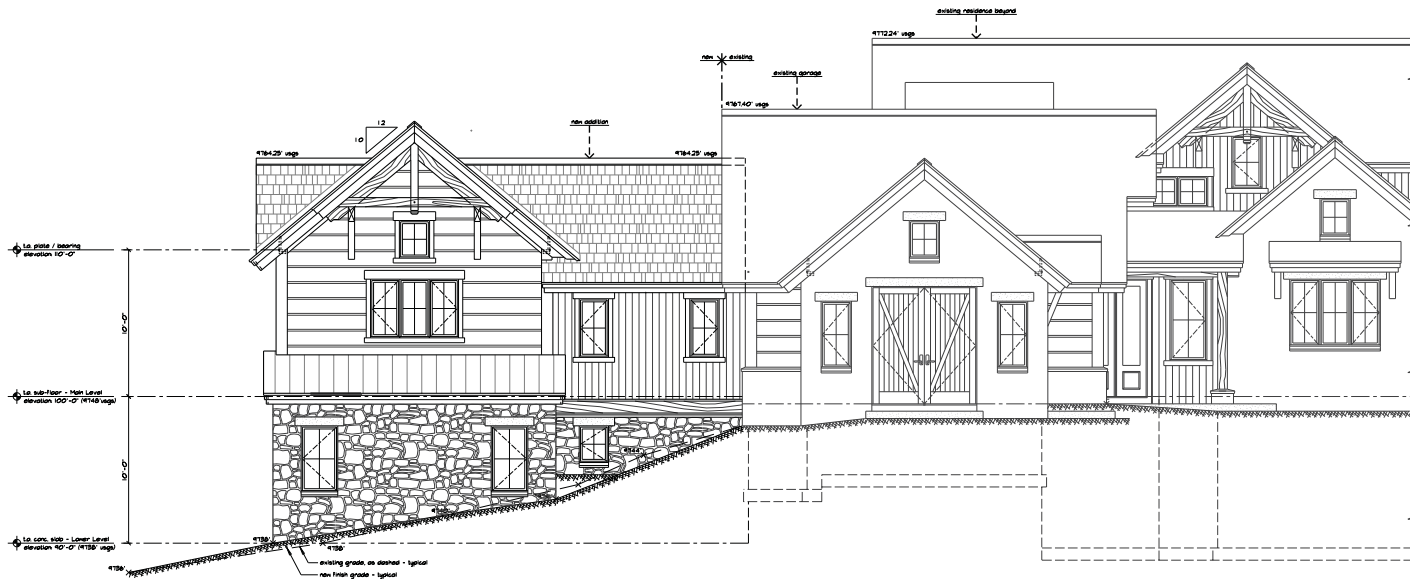
**ROEDEL RES. ADDITION**  
 THE HIGHLANDS AT BRECKENRIDGE  
 SUBDIVISION - LOT 48 - FILING #10  
 SUMMIT COUNTY, COLORADO

Exterior Elevations:  
 North & East  
 Scale: 1/2" = 1'-0"  
 Date: 04-08-2012



architectural  
 consultation  
 J.L. SUTHERLY ARCHITECT  
 breckenridge, co. 80434 (970) 455-3719  
 p.o. box 8889





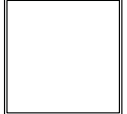
**General Note - Elevations**  
 1. All materials, finishes, colors and details to match existing - typical.

1  
 A-4

**West Elevation**  
 Scale: 1/2" = 1'-0"

**ROEDEL RES. ADDITION**  
 THE HIGHLANDS AT BRECKENRIDGE  
 SUBDIVISION - LOT 48 - FILING #10  
 SUMMIT COUNTY, COLORADO

Exterior Elevations:  
 West  
 Scale: 1/2" = 1'-0"  
 Date: 04-08-2012



architectural  
 consultation  
  
 THE SUPPLY ARCHITECT  
 p.o. box 8889  
 breckenridge, co. 80424  
 (970) 458-3718

A-4

## Planning Commission Staff Report

**Subject:** Pastor's House Restoration, rehabilitation, addition, local landmarking (Worksession)

**Proposal:** To restore and add a full basement to the historic house, move the historic shed, and build a one-story addition to the south rear portion (existing non-historic portion of the house).

**Date:** April 17, 2012 (For meeting of May 1, 2012)

**Project Manager:** Michael Mosher, Planner III

**Applicant/Owner:** Steven and Genie Galetta

**Agent:** Janet Sutterley, J.L. Sutterley, Architect

**Address:** 106 South Harris Street

**Legal Description:** Lot 4, Block 7, Yingling and Mickles

**Site Area:** 0.143 acres (6,249 sq. ft.)

**Land Use District:** 17, Residential 11 UPA, Single Family or Duplex

**Historic District:** #1 - East Side Residential

**Site Conditions:** From the alley, the site drops 3-feet in about 20-feet (15%) then the remainder of the site has a slight slope (3%) towards South Harris Street. The historic shed at the back of the property is over the east property line by about 9-inches. There is a mature but weak 18-inch caliper Lodgepole behind the house off the alley.

**Adjacent Uses:** Single Family Residences

**Density:** Allowed under LUGs: 2,534 sq. ft.  
Proposed density: TBD sq. ft.

**Mass:** Allowed under LUGs: 3,041 sq. ft.  
Proposed mass: TBD sq. ft.

**Above Ground Density:** Allowed @ 9 UPA 2,066 sq. ft.  
Proposed @ 9.24 UPA 2,120 sq. ft.

**Height:** Recommended: 23 feet  
Existing House: 18 feet  
Proposed: 18 feet (mean); 23 feet (overall)

**Parking:** Required: 2 spaces  
Proposed: 2 spaces

**Setbacks:** Front: 26 ft.  
Sides: 3 ft. & 3 ft.  
Rear: 1 ft.



### Item History

This small, one-story, clapboard cottage was built in 1882 as the "Pastor's House" for The Congregational Church of Breckenridge. Local builder, Elias Nashold, built the American Congregational Union Church on the northwest corner of Lincoln Avenue and French Street in 1881. Sometime before September of 1882, the church building was moved to the east side of Harris Street, between Lincoln Avenue and Washington Avenue, and a small parsonage was built on the lot to the south. On November 9, 1891, the church was sold to the Cathedral of St. John the Evangelist, Denver, for \$350.00 and relocated again to 100 South French Street, but the parsonage building remained here on its original site. A historic wood-frame barn is located southeast of the house.

This property displays an overall high level of integrity relative to the seven aspects of integrity as defined by the National Park Service and the Colorado Historical Society: location, setting, design, materials, workmanship, feeling and association. There are no adverse additions or adverse exterior alterations to the historic residence.

The primary purpose of this worksession is to discuss the general layout of the proposed site plan and the interpretation of the Policy 80A of the *Handbook of Design Standards for the Historic and Conservation Districts*. Policy 80A is a priority Policy and falls under Policy 5 Architectural Compatibility (Absolute) in the Development Code.

### Staff Comments

**Architectural Compatibility (5/A & 5/R):** Policy 80A: *Use connectors to link smaller modules and for new additions to historic structures.*

The average module size of historic homes in this Character Area is 1,500 square feet. With the total above ground density proposed at 2,120 square feet, the project needs to be broken into modules. The back of the existing house has an existing non-historic addition with an east facing bay window.



The plans show that, after the removal of the bay window, the new addition and the historic shed (after being moved) will be attached to this non-historic portion without all of the required criteria as described in Priority Policy 80A below. (Staff Comments are in **Bold**)

For the new Addition:

80A: *Use connectors to link smaller modules and for new additions to historic structures. (Does not comply.)*

- *The width of the connector should not exceed two-thirds the façade of the smaller of the two modules that are to be linked. (Does not comply - The connector width equals the width of the non-historic portion)*
- *The wall planes of the connector should be set back from the corners of the modules to be linked by a minimum of two feet on any side. (Does not comply - There are no stepped corners proposed on either connection.)*
- *The larger the masses to be connected are, the greater the separation created by the link should be; a standard connector link of at least half the length of the principal (original) mass is preferred. (In addition, as the mass of the addition increases, the distance between the original building and the addition should also increase. In general, for every foot in height that the larger mass would exceed that of the original building, the connector length should increase by two feet.) (Complies - The connector is roughly half the length of the masses being connected.)*
- *The height of the connector should be clearly lower than that of the masses to be linked. In general, the ridge line of the connector should be at least two feet less than that of the original, principal mass. (Complies - the roof is clearly lower than the masses being linked.)*
- *When adding onto a historic building, a connector should be used when the addition would be greater than 50% of the floor area of the historic structure or when the ridge height of the roof of the addition would be higher than that of the historic building. (Complies.)*

The agent contends that since the portion of the existing house that is being connected to the new addition is not historic, not all of the criteria of Policy 80A are applicable. Staff believes that, since connectors are required to link smaller modules, the age of the connecting building is not relevant. We are suggesting that the criteria for Policy 80A be adhered to in this case. Does the Commission agree that the connector criteria above should be met, despite the age of the building being connected to?

For the Barn: **No connector is proposed.**

The barn currently is located over the east property line beside the house in the Town alley and is proposed to be moved to accommodate the proposed addition. The agent is showing the barn moved away from the south corner to the north corner 22-feet and behind the house. Staff would suggest negative points at development review for moving the shed.

From the Handbook of Design Standards for the Historic and Conservation Districts: *Policy 23 - Avoid removing or altering any historic material or significant features.*

Moving the barn north places the small outhouse portion of the barn against the existing non-historic addition of the original house. In addition, the agent is showing new construction along a portion of the south wall of the outhouse and barn. As a result, two exterior walls of the outhouse and about three feet of the barn would become internalized and out of public view. Once internalized, there is no Code provision protecting these walls from removal.

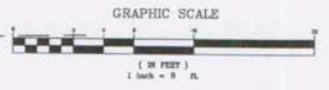
Additionally, the historic barn would no longer be a separate out-building and would become a part of the main house. Though the barn will have better exposure of the south wall, the historic outhouse will

no longer visible at all. Staff is not supportive of connecting the barn to the main house as shown. Does the Commission concur?

With this proposal, we are seeing the proposed addition to the historic house resulting in the shed being moved 22-feet north, connected to the house and the new addition proposed without connector elements.

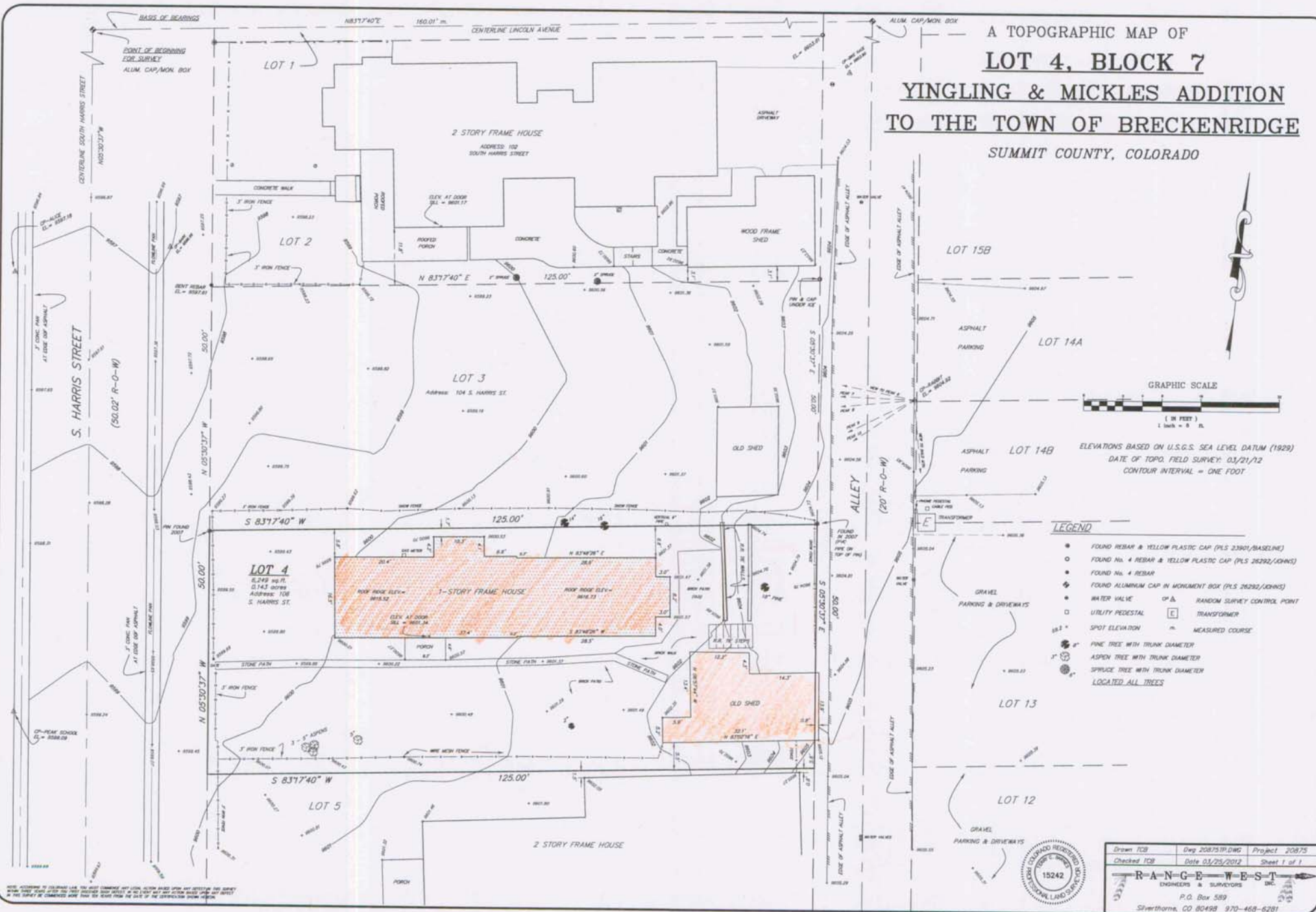
1. Does the Commission have any general comments on the proposed layout?
2. Does the Commission support moving the shed from the south corner to the north corner of the lot?
3. Does the Commission find that the proposed plan meets the connector requirements of Priority Policy 80A?

A TOPOGRAPHIC MAP OF  
**LOT 4, BLOCK 7**  
**YINGLING & MICKLES ADDITION**  
 TO THE TOWN OF BRECKENRIDGE  
 SUMMIT COUNTY, COLORADO



ELEVATIONS BASED ON U.S.G.S. SEA LEVEL DATUM (1929)  
 DATE OF TOPO. FIELD SURVEY: 03/21/12  
 CONTOUR INTERVAL = ONE FOOT

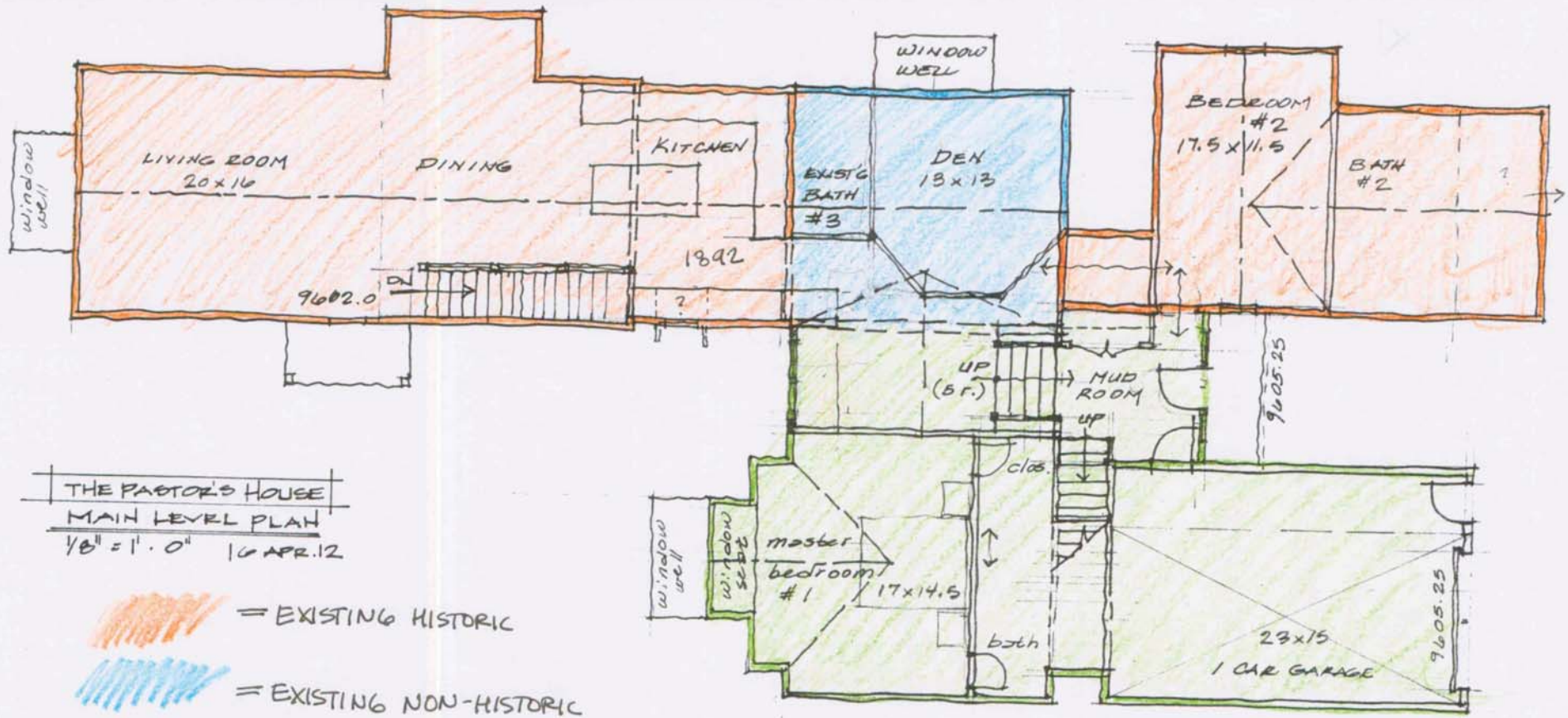
- LEGEND**
- FOUND REBAR & YELLOW PLASTIC CAP (PLS 23001/BASELINE)
  - FOUND No. 4 REBAR & YELLOW PLASTIC CAP (PLS 26292/JOINS)
  - ◆ FOUND No. 4 REBAR
  - ◆ FOUND ALUMINUM CAP IN MOVEMENT BOX (PLS 26292/JOINS)
  - WATER VALVE
  - UTILITY PEDESTAL
  - TRANSFORMER
  - RANDOM SURVEY CONTROL POINT
  - SPOT ELEVATION
  - MEASURED COURSE
  - PINE TREE WITH TRUNK DIAMETER
  - ASPEN TREE WITH TRUNK DIAMETER
  - SPRUCE TREE WITH TRUNK DIAMETER
  - LOCATED ALL TREES



Drawn TCB    Dwg 20875TP.DWG    Project 20875  
 Checked TCB    Date 03/25/2012    Sheet 1 of 1  
**R-ANGE-W-E-S-T**  
 ENGINEERS & SURVEYORS, INC.  
 P.O. Box 589  
 Silverthorne, CO 80498 970-468-6281

NOTE: ACCORDING TO COLORADO LAW, THIS DOCUMENT REPRESENTS AN ORIGINAL SURVEY AND SHALL BE KEPT IN THE OFFICE OF THE SURVEYOR FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE ORIGINAL SURVEY. THIS SURVEY IS COMPLETED HERE FROM THE RECORD BOOK AND DATE OF THE ORIGINAL SURVEY.





THE PASTOR'S HOUSE  
 MAIN LEVEL PLAN  
 1/8" = 1'-0" 16 APR. 12

- = EXISTING HISTORIC
- = EXISTING NON-HISTORIC
- = PROPOSED

LA, B7, Y & M - PASTOR'S HOUSE - 106 S. HARRIS ST.