



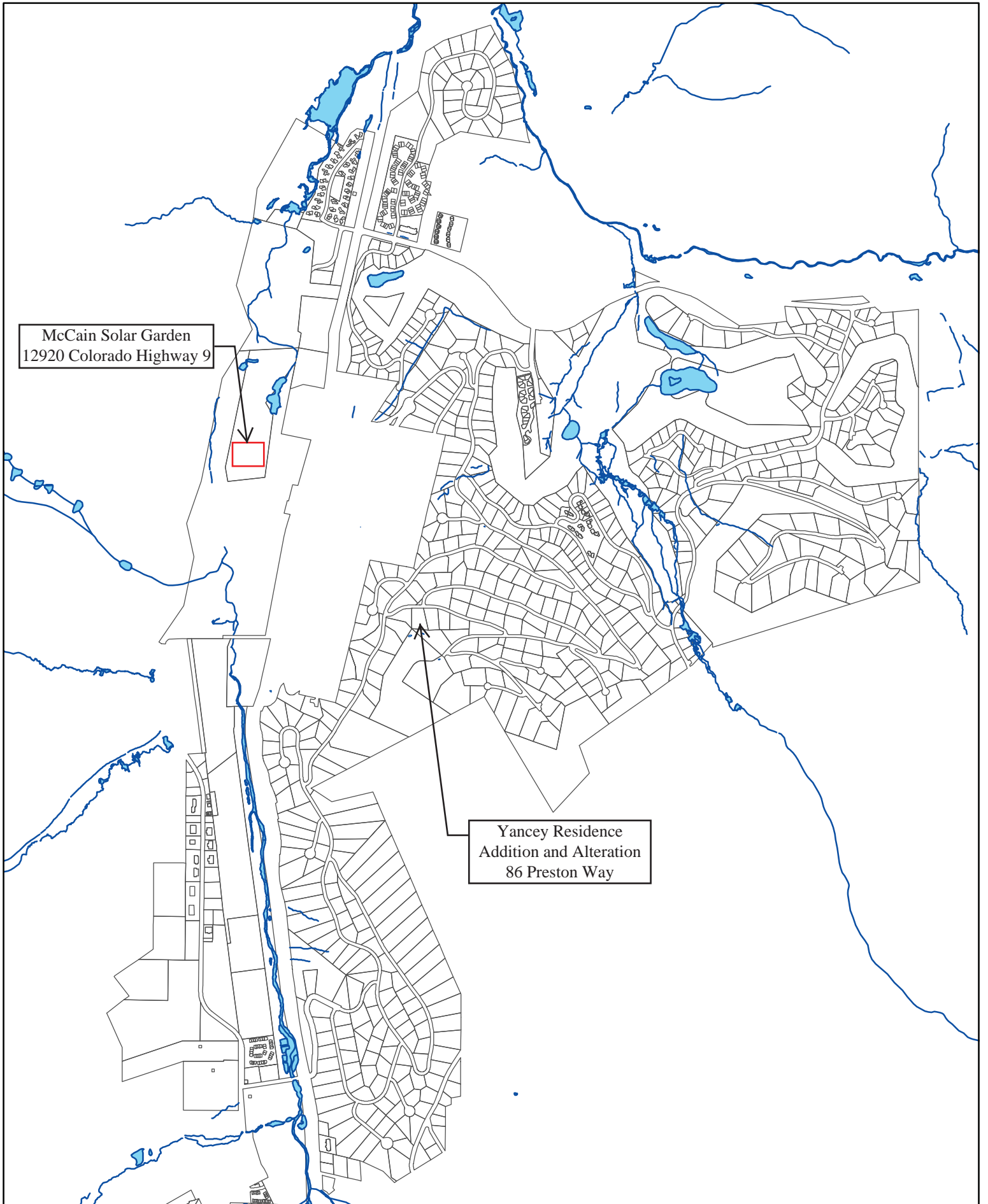
**PLANNING COMMISSION AGENDA**

Tuesday, June 04, 2013  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>12:00pm</b>	<b><i>Site Visit To The McCain Solar Garden, PC#2013036, 12920 Colorado Highway 9 (Meet At Town Hall, 150 Ski Hill Road)</i></b>	
<b>7:00pm</b>	<b><i>Call To Order Of The June 4 Planning Commission Meeting; 7:00 P.M. Roll Call</i></b>	
	<b><i>Location Map</i></b>	<b>2</b>
	<b><i>Approval Of Minutes</i></b>	<b>4</b>
	<b><i>Approval Of Agenda</i></b>	
<b>7:05pm</b>	<b><i>Consent Calendar</i></b>	
	1. Yancey Residence Addition and Alteration (MM) PC#2013039; 86 Preston Way	<b>14</b>
	2. Lot 27 Corkscrew Flats Single Family Residence (MM) PC#2013042: 420 Corkscrew Drive	<b>25</b>
<b>7:15pm</b>	<b><i>Town Council Report</i></b>	
<b>7:30pm</b>	<b><i>Worksessions</i></b>	
	1. Maggie Point Homes (MM) PC#2013004; 9525 Colorado Highway 9	<b>36</b>
<b>8:00pm</b>	<b><i>Final Hearings</i></b>	
	1. McCain Solar Garden (JP) PC#2013036; 12920 Colorado Highway 9	<b>40</b>
<b>8:30pm</b>	<b><i>Preliminary Hearings</i></b>	
	1. Hermanson Residence (MGT) PC#2013043; 114 North Ridge Street	<b>73</b>
<b>9:00pm</b>	<b><i>Combined Hearings</i></b>	
	1. Shock Hill Lots 6, 7 and 8 (MGT) PC#2013044; 145, 142 and 120 Penn Lode	<b>87</b>
	2. Shock Hill, Tract C (MGT) PC#2013045; 200 Shock Hill Drive	<b>97</b>
<b>9:30pm</b>	<b><i>Other Matters</i></b>	
<b>9:45pm</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.**



McCain Solar Garden  
12920 Colorado Highway 9

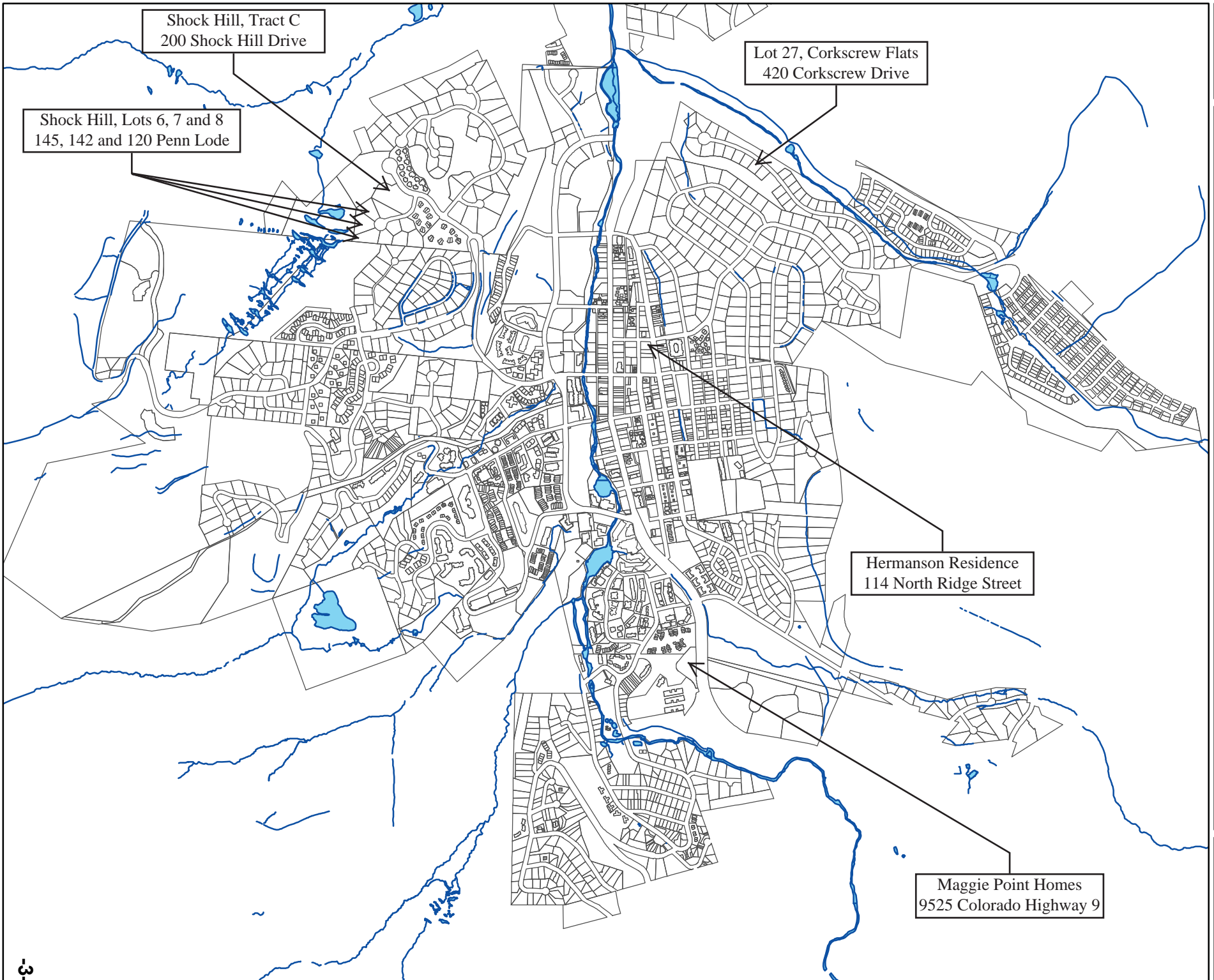
Yancey Residence  
Addition and Alteration  
86 Preston Way



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Town of Breckenridge and Summit County governments  
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Shock Hill, Tract C  
200 Shock Hill Drive

Shock Hill, Lots 6, 7 and 8  
145, 142 and 120 Penn Lode

Lot 27, Corkscrew Flats  
420 Corkscrew Drive

Hermanson Residence  
114 North Ridge Street

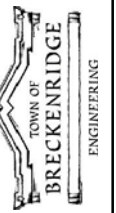
Maggie Point Homes  
9525 Colorado Highway 9



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# Breckenridge South

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## PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

### ROLL CALL

Kate Christopher            Trip Butler                    Jim Lamb (Vice Chair)  
Dan Schroder                Dave Pringle  
Mayor John Warner for Jennifer McAtamney, Town Council Liaison

Gretchen Dudney and Eric Mamula were absent

### APPROVAL OF AGENDA

With no changes, the May 21, 2013 Planning Commission meeting agenda was approved unanimously (5-0).

### APPROVAL OF MINUTES

With no changes, the May 7, 2013 Planning Commission meeting minutes were approved unanimously (5-0).

### CONSENT CALENDAR:

1. Gold Creek Condominiums Exterior Remodel (MM) PC#2013034; 326 North Main Street  
Mr. Schroder said that he loved what he sees. Mr. Mosher presented the color board for the Commission to review.

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

### TOWN COUNCIL REPORT:

Mayor Warner: We did approve the McCain Master Plan. Tract 1 is 89 acres of governmental use and the rest is open space; 38% of the property was dedicated to open space. There was a headline a few days ago that was misleading; we are contemplating abandoning our relationship with the Corp of engineers who have made no progress in their plans with the river. They were going to do a \$5 million project, and without them it could be significantly less money. We shall see what happens with the restoration of the Blue River.

Mr. Pringle: Is it on a time table?

Mayor Warner: For me yes, I would like it to happen in the next few years. Kermit did ½ mile in 30 days so if you do the math maybe we could get it done in a year or two. So I'm excited about it; we are waiting to see what Mr. Daugherty (Town Engineering) says that Kermit indicates pricing will be. We would like to explore doing it on our own. Also, with the acceptance of the McCain Master Plan we did eliminate service and service commercial uses; like you, Mr. Pringle, I was the only one on Council who didn't like that. I still believe that we need service commercial in Town but that was the ruling of the Council. I know that people are upset about the gas station, but to me, we have some companies out there like Metzger's Concrete company and the landscaping company, etc, and they aren't going to have anywhere to go. I think that this is short sighted. The thinking is that they will find other service commercial but anyhow, it was a 6 to 1 vote and we will not see service commercial down the road there in 5 years. We appreciate that you guys took a look at it as well. We passed the final reading on the moving historic structures ordinance that you guys helped with; it seems to be going in the right direction. We also approved the Keller Residence Landmarking and that's it. Thinking globally, we are still dealing with Amendment 64; we are also contemplating some kind of revenue stream for the childcare scholarship program; it will be on the ballot sometime in July. We haven't decided whether or not it will be a property tax or sales tax revenue. Business community in Town favors a property tax



increase, not a sales tax increase; about a ¼% increase in sales tax would get us what we need. The commercial community really appreciates the prospect of the childcare scholarship program.

Mr. Lamb: Anything new on plastic bags?

Mayor Warner: They are being designed and it is coming down to bags from the US or bags from someplace else which is much more colorful and attractive. The US are not as attractive but are canvas and washable. They may end up with two bags, and it is going to happen. We are planning to stock the retail community and the lodging community with many thousands of bags. The retail community is up to this point fairly accepting of it. We've had a lot of kudos from people like High Country Conservation; there has been more positive than negative feedback and this is likely to go into place around October 1 so that it hits prior to tourist season. I personally have had several conversations with the City Market Communications Director and she has indicated that they are happy about this. I got her name from Randy Griffin, and she was very helpful. They are not going to oppose this action. I think that the bags are kind of iconic. People are going to take them back to Dallas and remember Breckenridge. It's been a great process and Mr. Truckey and Ms. Puester have done a great job and I really appreciate their help.

Mr. Schroder: Does Town anticipate a good taxable revenue stream from marijuana?

Mayor Warner: It's pretty remarkable, I've done the math and their average sale is \$65/sale and so a person walks in, they spend on average that much. So if you assume a 5% increase in participation and tourist base, say, 2 million people per year, that's \$6.5 million of revenue of sales with a 5% tax. That would bring \$350 to \$400 thousand to the Town in additional revenue. It can be a significant revenue stream so we shall see.

#### **FINAL HEARINGS:**

1. Welk Resorts at Breckenridge (MM) PC#2012044; 13541 Colorado Highway 9

Mr. Mosher presented a proposal to construct a 123-unit time-share/condo-hotel with a detached housekeeping / maintenance building and a detached meeting / facility building at Tracts W and D-3 of the Shores at the Highlands Subdivision.

The Planning Commission last reviewed this proposal on February 5, 2013. At this meeting, concerns were expressed about the:

- The design of the glazed guard panels
- Articulation of the roof form on the main entry of the Accommodations Building and the Meeting/Facilities building
- Location and buffering of the Meeting/Facilities building
- Vehicular circulation of the Trash removal area
- Detail on the landscaping plan
- Overall building height

The applicants have obtained a Town Council approved Development Agreement, which allows a mass increase for amenities from the Development Code standard of 200% to 700%. The approval of a Class C re-subdivision combining Tract D-3 with Tract W (drawings were included in the Commissioner's packets) has been added as a Condition of Approval. With the completion of this last subdivision, all of the development will be placed on one parcel. Additionally, a modification to the 2012 West Braddock Delaware Flats 4th Amended Master Plan to include the four multifamily SFEs from Tract D-3 into Tract W-1 has been added as a Condition of Approval.

Revisions since the last meeting included the following: change to aluminum and glass structural railing system; further refinement of massing, colors, materials and detailing; increase in distance from northern

property line; modification of building design; refined landscaping; building rotation to create a wedge at property line; enhancement of clear separation of traffic flows; reduction in building height; reduction in snowmelt areas; maximum of 25% non-natural materials on each elevation; building mass stepping from middle high point to lower shapes east and west; amenities building changes (removal of skylight, introduction of dormers, better integration into accommodations building); dormers added to 3 sides of roof drop-off canopy; cupola changes (reduction in scale, roof overhang unification and reduction, cupola roof slope to match main building roofs, 4 sided sheds at accommodation building): removal of curb cut and street entry at northeast; logical distribution of snow storage area.

The applicants and agents have been working with Town Staff and the neighbors to reach this point in the design of this application. The list of changes attached is a good example of the response to the many concerns. Staff had one question for the Commission: Did the Commission have any concerns with the proposed glazed guard panels? Staff welcomed any additional comments or questions.

Staff recommended the Planning Commission approve the final Point Analysis for the Welk Riverfront Resort, Breckenridge Condo-Hotel, PC#2012044.

Staff also recommended the Planning Commission approve the Welk Riverfront Resort, Breckenridge Condo-Hotel, PC#2012044, along with the presented Findings and Conditions.

Mr. Jeffrey Edwards, VP of Development for Welk Resorts, introduced the development team: Mr. Richard Hulbert, Mr. Aleksandr Sheykhet, Mr. George Pierce and Mr. Tom Morrison are all present. Thank you for taking the time to listen to our presentation.

Mr. Richard Hulbert, Project Architect: I'm highlighting the major changes:

The site is L shaped; we have developed a narrative to give us some help for the design team. The notion is that we found the foundation of the chimney of the rancher. The horse barn has been refurbished; the corral is now used to park vehicles and the bunkhouse has been renovated to accommodate housekeeping and maintenance with work housing above.

- The roofs that were too 'plain' on the main entry element have been revised by adding functional gable dormers and eliminating the skylights. These still allow light into the space.
- The elevations have been revised and overall height has been lowered by reducing the floor plate of the principal floor much closer to grade; we looked at structural components with thinner floor and ceiling assemblies and reduced the ridge heights. All of the buildings step down at the edges.
- Even though the comment was made that the glazing was inappropriate, we've taken the glazed panels and framed them with dark finished aluminum surrounds.
  - In terms of durability and maintenance, these have been used by Welk in hurricane areas. They will be maintained 24-hours a day by Welk staff.
  - The glazing was raised up 4 inches so that we have the ability for drainage and snow removal. The benefit of the acoustical aspect of glass is that on the first floor the berms serve to bounce the sound back, and on the upper floors, the glass serves this purpose.
  - The idea is to see through it in terms of light; and for the resort guests are able to look out at their surroundings unencumbered.
- Also notice here the dormers are all around so the buildings are designed to be 'all fronts'. Remember that the skylight was eliminated.
- There are very few changes to the workhouse housing except to meet the requirement of the non-natural materials.
- The developer of the Shores and his architect met with us and we agreed to figure out how to change the Meetings Facility building to address some of their concerns.
  - We moved the building further away from the Shores property, re-angled it and moved the entrance to

- the East side.
- The roofline has been articulated far more so that the stepping forms have increased and now we have the front effectively as a one story element that is part lobby and part porch on grade.
- The back side of this building looks like another front side to our neighbors.
- Regarding the landscaping, Mr. Pierce is going to talk to you about that buffer.
- We met this afternoon with the Developer of the Shores and his two architects and while they appreciated our moving the building away from the Shores, and I learned that the principle issue is the value of the property that they are going to be putting on their side.
  - The southwest view is precious and very valuable to them and so we agreed to some points that I'm articulating out loud. We agreed to make some additional modifications that do not affect this application:
    1. We are pulling the meetings facility eastward as far as possible and to do that and respect the Code;
    2. We will cantilever the end of the deck and the roof on the west side and reduce the number of columns;
    3. We will assist in a joint effort to construct fencing between us and share the cost of the pathway in the Shores; and
    4. We will investigate the potential of someday use of the amenities by Shores homeowners, but we can't be 100% sure because it has to go to the Board of Directors.

In return, Mr. Lorin Gerch will support the project as submitted today.

Mr. George Pierce, Principal with Landscape Architecture:

The site is now totally devoid of any landscaping; we will revegetate the entire site with plants that are suitable to Breckenridge; in addition to that, there will also be a large number of site amenities on the grounds. The rear will have an indoor/outdoor pool, 3 Jacuzzis, one gas fire pit, seating areas and barbeques for guests to use. The landscape vision will have a predominately evergreen plant palate along Highway 9 and bring in spruce and white fir and pine to replace some of the pine beetle devastation. As we transition back to the activity area, we will bring more aspen and perennials and wildflower areas and lastly, as we approach the Blue River, we will bring some willows and dogwoods and plants more native to the river environment. We're going to be using 3-inch aspen interspersed with evergreens and spruce ranging from 10 foot to 14 foot heights and the occasional white fur 10 to 12 feet in height. Three inch aspen are usually in the 30 to 40-foot tall range and we are also going to have some cottonwoods in the same range.

Mr. Hulbert: In terms of the landscaping, it's a great opportunity to take this site and create a positive precedent. The setback from the eastern boundary is three times what the minimum required setback is. Working with staff, we learned that we needed a lot more detail on the drawing set to convey the details. Mr. Aleksandr Sheykhet is the president of the firm, and he is here to talk about the material boards.

Mr. Aleksandr Sheykhet, Colorado Architect with Studio Obermeier Sheykhet Architecture:

I have been here for about 20 years, and for the final application the team is required to produce large number of details. What I would like to say, is that we are proud of the Welk group and that the project once completed will be a richness that is beyond what you will see on a small scale. They were most helpful in colors and details. The color scheme is inspired by natural beauty and a story line that Mr. Hulbert put together. There are a number of colors and in material boards (presented to the Commission) we tried to give you color texture and scale. We've provided the structural glass panels, and the finish that will be applied and that we've done on many mountain projects here in Colorado.

*Commissioner Questions / Comments:*

Mr. Pringle: Are you happy with the new Accommodations Building without the glass skylight? (Mr. Hulbert: There is always more than one right answer to every problem; I value your opinion,

I'm not from Breckenridge and you guys make it better by making it fit in with your suggestions. If it helps, I'm comfortable. Those are real dormers, by the way, so we get natural light inside, and I think it's more appealing.) I appreciate your attempt to get light in, but I always thought that the skylight design was out of character and you now have a much better project today.

Mr. Lamb: I agree with that.

Mr. Schroder: Having read through it, with the presentation tonight, I am very pleased with where this is going.

Ms. Christopher: The color for the metal on the windows, is it nickel? Is it going to match the bronze for the railing? (Mr. Sheykhet: There will be no metallic color on the project. All surfaces are factory finished with the colors presented.)

Mr. Pringle: We can believe that any changes on the Meetings Building will be positive changes that will give relief to the Shores and that they won't require coming back in front of us? (Mr. Mosher: Yes that's true. Staff reviewed the concept of the proposed changes and these can all be handled with the Building Set submittal and the Statement of Compliance from the architect.)

Mr. Lamb: That's something that you're going to be monitoring? (If it is a substantial enough change then we tell them that they need to go back in front of Planning Commission.)

Mr. Butler: Mr. Sheykhet, how do you feel about that cantilever? (Mr. Hulbert: We are keeping the same materials; we are going to need a structural engineer because we don't want to change the look but it's facing the water which is arguably is unique on the site. The way that I can sell it to my client is that it will feel like we are perched out there. We agreed to maximize the overhang and their view by removing the end columns.)

Mr. Lamb: You are not going to be able to cantilever the whole thing though, right? (Mr. Hulbert: No, but that would be really cool.)

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

*Commissioner Questions / Comments:*

Mr. Schroder: I'm in support of the point analysis tonight; I don't have an issue with the glazed balcony guards.

Mr. Pringle: I concur with the point analysis and applaud you for working on all of our concerns and your neighbors concerns. I'm hoping as this project builds out and starts to integrate into the community that it will be one of the town's end capstones. The landscaping; you really benefit from the setback from Highway 9; it's very well buffered there. I think that where you really enhance it is what you do to the site itself. I applaud your efforts.

Mr. Lamb: I agree. I think that you've really worked with the Staff on this and that your project will be better because of it; I did have an issue with the glass balcony guards but because there is a precedent I am okay with that. You clearly passed the point analysis and I hope that you enjoyed dealing with us and our Planning Department, because we are a little more complicated than other areas.

Ms Christopher: I support the point analysis, but I still do not fully support the glazed balcony guards because they don't seem to fit the character of Breckenridge; but I really appreciate the work that you've done and how you've worked with your neighbors and it's a strong project.

Mr. Butler: I think that it is a great project, and I had to go back to that site to view it because there aren't a lot of redeeming qualities about the site right now. I think that you've been a far better neighbor than you've needed to be; that's just my observation. It's the best thing on that end of town; that whole block down there. This is a good looking project. I like it. I am a big fan of the glazed balcony guards.

Mr. Pringle made a motion to approve the point analysis for the Welk Riverfront Resort, Breckenridge Condo-Hotel, PC#2012044, 13541 Colorado Highway 9. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the Welk Riverfront Resort, Breckenridge Condo-Hotel, PC#2012044, 13541 Colorado Highway 9, with the presented findings and conditions. Ms. Christopher seconded, and the motion was carried unanimously (5-0).

**PRELIMINARY HEARINGS:**

1. McCain Solar Garden (JP) PC#2013036; 12920, 13250 Colorado Highway 9

Ms. Puester presented a proposal to install a 500kW photovoltaic (PV) solar garden on a 3 acre portion of the McCain property. The proposed solar panels would consist of approximately 2,106 panels in 16 rows, access by the existing dirt road utilized by Alpine Rock. The proposed solar panels would be managed by Clean Energy Collective (CEC). CEC would sell panels to residents and businesses within the entire Summit County area. The residents and businesses would pay the upfront cost of the panels purchased. In return, Xcel Energy would credit the purchaser's Xcel bill monthly for their share of the value of the energy produced.

With the Town's annexation of this parcel, the property was incorporated into Land Use District 43 in 2003. The Town is currently in the process of purchasing the Alpine Rock property (which the proposed solar garden is located on a portion of). The Town Council approved the McCain Master Plan on May 14, 2013, that allows for open space and governmental uses including solar gardens. The Planning Commission denied the McCain solar garden on October 18, 2011 due to a nonpassing point analysis.

Changes from Planning Commission meeting October 18, 2011:

Primary concerns from the Planning Commission were lack of buffering to the site as well as the lack of landscaping proposed. Primary changes made since the October 18 review include:

- Reduction in scope of project from a 2 megawatt system consisting of 8,333 panels over 27 rows to a 500 kW system with 2,106 panels over 16 rows;
- Site was relocated to the north onto the Alpine Rock property which the Town is in the process of purchasing (June closing date);
- Reduction in lease area size from 10 acres to 3 acres;
- Some landscape and natural screening provided by the existing berm and existing trees;
- Detail on inverter and switch gear equipment size and shed structure;
- Fence detail;
- New site visibility photos; and
- Grading information.

Staff has been working with the applicants to address issues raised by the Planning Commission previously. This has been significant with the relocation of the site north behind an existing berm and tree buffer. It is now on Alpine rock property, sits low on the site and is not readily visible from rights of way as you saw from the site visit today. As with other applications of this nature, there is limited ability to add screening from Silver Shekel to the site while providing solar exposure; however, staff believes that further efforts could be made with strategic landscape plantings to screen from the rights of way which would be best addressed after the installation and decision for any potential expansion of the project has been determined by Council. Staff had the following questions for the Commission:

- Did the Commission believe that the new site location achieves the intent of Policy 7/R, Site and Environmental Design?
- Did the Commission agree that additional landscaping is needed on the site to provide buffering? Would the Commission support no negative or positive points under this policy with the financial commitment from



CEC to provide additional plantings in strategic locations until the first phase has been installed and any potential expansion location determined?

- Did the Commission agree that positive two (+2) points are warranted under Policy 33/R-Energy Conservation?

*Commissioner Questions / Comments:*

Mr. Pringle: When we talk about the berms south and east of the site, isn't that just an area where people dump their excavations? When I look at the berm, it just looked like fill dirt. (Ms. Puester: I don't know the history of it, but it has been there quite awhile. Alpine Rock is a heavy type of land use there and guessing they have built that up to screen their own uses there. Applicant has stated that they would like to clean up the berm, make it more presentable.) Also, we stopped at what used to be the old north fire station site, is it possible for us to encourage some more landscaping to be put in there? Basically you won't be able to see that site except from maybe there. (Ms. Puester: We will encourage them to landscape in those locations.) Could we negotiate that maybe now? That looks like a good spot for some permanent landscaping. (Ms. Puester: We will have that planted.)

Mr. Butler: So they've reduced it to 500 kW, so 300 homes to 75 homes and is that enough? (Ms. Puester: This is the same size as the Stillson Solar Garden; we are recommending the positive 2 points which is consistent with past precedent.) Seems like reducing it to 25% of what was originally intended out there in 2011. (Ms. Puester: There are some reasons why that happened, but I'll let the Applicant address that.)

Mr. Pringle: Where is that second phase possibly? (Ms. Puester: We don't know if a second phase will happen or not and have not located it. We bubbled out some potential areas during the master plan process, but they haven't been determined.) What makes this work is that the berms and trees that are there so we can't go south unless we relocate the berms.

Mr. Lamb: When will we know about the Second Phase? (Mr. Brian Waldes, Financial Services Manager for the Town of Breckenridge: That isn't even a discussion with the Council right now and it is based on how quickly inventory sells out and the demand for more.)

Mr. Butler: Did you have a sense that energy for 300 homes was too large? (Mr. Waldes: It was initially slated to be 1mW, twice the size, but the process with Xcel precluded us from putting in two applications for the same parcel so, we just took what we were allotted.)

Mr. Richard Miller, Clean Energy Collective (Applicant): I appreciate your time tonight. I'm joined tonight by Mr. Chad Roach, Project Manager and we will answer your questions together. We have Ms. Michelle Zimmerman and Mr. Eric Westerhoff with Innovative Energy as well. Ms. Puester did a good job explaining our project. One thing, on the aerial that you just saw, Mr. Chad Roach of CEC and I met Xcel out on site and we won't have to take any trees out to put that line in. This is a partnership between the Town of Breckenridge for the citizens of Breckenridge and CEC; it is truly a 'community owned' facility. The Town will own panels as well as citizens. We do have a remote meter program so that we can see what the panels are actually producing in real time. Our firm builds these, manages them and maintains them. Our plan is for it to be here 50 years. We are taking about a 500 kW facility which will provide for 70-75 homes for one year. Over a 20 year period, this will reduce carbon emissions by 26 million pounds. We heard that the view was important to the Town so we think primarily from the Coyne Valley area and from Highway 9 you are going to only see a slight glimpse of the site. We are prepared to address the concerns of the Planning Staff, enhance the berms and help screen as much as possible. We will install landscaping and berms, listen to citizen comments, work with Staff and install visual buffering. We will finalize the landscape plan before we come back for final review. If you are open to having the final installation of landscaping after we put the panels in, we are willing to escrow the funds for that scenario.

*Commissioner Questions/Comments:*

- Mr. Pringle: The panels are about 12 feet in the air? (Mr. Westerhoff: Range from 10 to 12 feet off existing grade.) How far will they be raised up into the air? (Mr. Westerhoff: About 3 feet above grade.)
- Mr. Lamb: Do we know really how long solar panels last? (Mr. Miller: We plan 20-25 years but as you know the panels are getting more efficient. We try and get a warranty for 30 years.) At altitude, these actually produce more because we are in thinner air, is that correct? (Mr. Roach: It's a combination of being closer to the sun, cooler temperatures and also reflection of snow. We've seen up to 15% of an increase over what the manufacturers say about the panels' production.)
- Mr. Pringle: \$3,000/panel? I think you are selling panels. (Mr. Miller: They are about \$850 per panel.) So if I wanted to buy into this am I buying a kW or am I buying a panel? (Mr. Miller: You're buying a panel.) (Mr. Roach: You want to contact us, and get a release of your utility bill and we would go ahead and design a system based on that.) (Ms. Puester: We need to get back to the code issues.)

Mr. Lamb opened the hearing to public comment.

Mr. John Jumonville, 411 Long Ridge Drive, Highlands

I feel like I'm jumping in front of a train here but I am not either for or against solar panels. I'm pretty reasonable, coming from a reasonable place trying to understand how we got to solar panels in the Town of Breckenridge. I was glad that I was here tonight to hear the Welk. What was the largest focus on that structure-appearance? How did we get to black glass as fitting in community character and fitting with the historical nature? In terms of aesthetics standpoint, I have a problem with black glass fitting into our character. #2, the solar panel ordinance talks about the stand alone, certainly about putting panels next to existing structures, there is lots of language about panels not being visible. How are we going to hide a phase 2? What happens to the value of the properties around it? Does the cooperative own this land? No, so they don't pay taxes. Bottom line is aesthetic; how we got to a large set of black glass and fitting with the historical nature of Breckenridge. Also, when I looked at SustainableBreck, the ability to use and enjoy resources without comprising the beauty of our town. When I think about natural resources, I think of ridgelines, mountains, views. I spent money on a lot up on a ridge, on trees to block my view of the valley, but no matter what size berm nothing will protect our view from this. I can't imagine what Silver Shekel thinks, I imagine that they wouldn't want to look at 3 acres of black glass. Financial standpoint: purely speculative. \$3,700 out of pocket and 8-12 years to get back, speculative. Do these things pay for themselves? Could payback, could not. In the meantime, we have 20 years, potentially 50 years of black glass; with respect to technological improvements; are we not going to have more efficiency in the future? We have to wait 50 years until we can use it? Breck is here because of its natural beauty, and that's what been driving all of this. This is not a slam dunk great financial deal, it's speculative. Finally, reducing the carbon footprint; I understand that the Town is here. Actually having a town state that they want to reduce their carbon footprint is dubious however it is fantastic. But do we have to do it through structures that are out there that are contrary to exactly what a lot of our historic character? Is the website that tracks the production that's on there now, is it accurate? It's showing 600 tons. So for about 1 ½ years, it's been about 450kW. How do we get past the aesthetic part? The financial aspect is speculative and then CO2; we say 500-600 tons in about a year and one half so on average we are saving 300-400 tons per year. I don't get 26 million pounds per 20 years. I guess in terms of CO2, this is one coal plant in the US produces about 3.5 million tons of CO2. Probably the same plant in China is multiplied of that, so we are going to go against that, how we want the character of Breck to be, putting somewhat speculative financial benefit in, and we are going to save 300 to 400 tons per year which compared to one coal plant in the time we've been here for about an hour, they've produced more CO2 in one hour than we will by having 3 acres of black glass. Is it worth it? Why don't we go buy land out in Park County; you can expand as much as you want there, and then no one will care. How many ski resorts have 25 acres at their front door to do with what they want? Amazing opportunity. Are we really going to put black glass there? I

have trouble seeing black glass in the confines of a building then detached stand alone monolithic views and it's high. If it's anything like the one at the golf course, it's up. It makes a difference. I've said my peace. It's just trying to be reasonable. I want you guys to do it; can't we do it somewhere else?

There was no further public comment and the hearing was closed.

*Commissioner Questions / Comments:*

Mr. Lamb: This particular site in my opinion is really quite well buffered with no more additional landscaping; I even drove through Silver Shekel today so I think that what really kind of made me feel better was the site visit today. Something this size fits into that particular property. The 10 acre one that was turned down would have been more visible than this. Maybe another site visit and invite the community, John? I think if we did that, people would agree. (Mr. Jumonville: I don't think that it should be in Town. My issue is that it doesn't make sense to have it in Town. Can put it somewhere else.)

Ms. Christopher: I was pleasantly surprised during the site visit; the only place that it would be visible is from Silver Shekel; anyone driving by though would hardly see the site.

Mr. Pringle: I would concur that where it is sited right now, from anywhere ground level it will be highly screened. Up in Silver Shekel, I don't think that you can hide it at all; they have to balance what they are looking at now, which is a gravel pit. In direct response to your comment, yes I think you are jumping out in front of a train. I think that the Town Council is in the lead on this and they want to see a solar garden out there, whether we buy into the concept or not, it's been approved by the Master Plan and is going forward.

Ms. Christopher: The panels are facing directly south; so coming in on Highway 9 from Frisco you won't see anything. Silver Shekel will see them from the side view. Northbound they will only be visible for about 50 feet.

Mr. Lamb: It's impossible to make them invisible from above.

Mr. Pringle: I withhold any judgment about a second phase; any second phase would have to be as buffered as this one.

Mr. Lamb: Let's answer staff's questions. First one on Policy 7/R: is buffer appropriate?

Mr. Schroder: Yes, it is compatible with the site it does achieve an offset at that location. This is the right site.

Mr. Pringle: Only after taking the site visit would I agree with this one. It is pretty well invisible from grade level.

Ms. Christopher: I feel like that's the perfect site; any second phase would have to be looked at.

Mr. Butler: Yes.

Mr. Lamb: Yes, it is compatible. I thought today that it was hard for anyone to even see it from the highway. Let's move onto question 2 on landscaping.

Mr. Schroder: So the points are a neutral on landscaping. Holding money in escrow is a good idea so that we can screen at a later date. I don't think that trees on the berm are as necessary as out towards the highway.

Mr. Pringle: I don't think it needs any additional landscaping, I'm neutral on the points; as long as we have the money I would like to see some strategic landscaping between the bike path and the highway to provide more buffering, near the old firehouse site. Calling that a berm is being very kind to it; all it is is fill dirt. Would like to see that look better.

Mr. Lamb: I am neutral on the points as well; it makes sense to put this in and then see where we need a buffer. I think the highway is priority to landscape than the berm. It's hard for me to visualize where any additional buffer should go; if we put it in, then we'll have a better idea. It will be interesting to see what it actually looks like when it's in.

Mr. Butler: I would rather see them spend the money on cleaning that area up. I think the highway is priority.

Ms. Christopher: I would suggest doing landscaping near the right of way first and then maybe wait on the berm to the south of the solar array. A year or two years. But if there is no additional phase coming forward then put the trees in. Priority one is landscape between the highway and the project.

Mr. Lamb: Question 3, +2 points under 33/R for Energy Conservation?

Mr. Pringle: I would agree to the two points; but I also felt that applying the stand alone solar array that we use within the developed portion of the Town really doesn't match up well with a solar garden. The mass and scale requires a completely different thought process. I'd like to see a different interpretation of solar garden in our code. (Ms. Puester: Yes, we didn't consider something of this scale in the code. You can get more points as a house with a decent HERS index than a large solar garden.)

Mr. Schroder: I agree to the two points; we have an entire policy dedicated to energy conservation in Breckenridge; it's worth it.

Mr. Lamb: I believe two points are warranted. Agree, you power 75 points and you get two points; it's interesting.

Mr. Butler: I agree with the two points.

Ms. Christopher: The Town Council wants the energy conservation to move forward and I believe the two points are warranted. The solar garden is a great way to keep it out of the historic district, put it somewhere on the outskirts but still in Town.

**OTHER MATTERS:**

None.

**ADJOURNMENT:**

The meeting was adjourned at 9:25 pm.

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Jim Lamb, Vice Chair

## Planning Commission Staff Report

**Subject:** Yancey Addition and Alteration (Class C Minor, Hearing; PC#2013039)

**Proposal:** A 1,004 garage addition and the enclosure of the space beneath an existing deck. A letter of approval has been submitted by the HOA. A material and color sample board will be available for review at the meeting.

**Date:** May 23, 2013 (For meeting of June 4, 2013)

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

**Applicant/Owner:** Debra and Shaun Yancey

**Agent:** Tim Sabo, Allen Guerra Design-Build, Inc.

**Address:** 86 Preston Way, Highlands at Breckenridge

**Legal Description:** Highlands at Breckenridge, Filing 10, Lot 23

**Site Area:** 1.481 acres (64,512 sq. ft.)

**Site Conditions:** The property contains the existing house and garage. The lot slopes uphill at 9% from the front of disturbance envelope towards the rear of the property. The site is heavily covered in both Lodgepole pine and Spruce trees. There are some specimen Spruce trees in the northwest corner of the lot and a 10-foot snowstack easement along Preston Way. (The applicants have processed and obtained approval for a modification to their platted disturbance envelope (PC#2013029). This is reflected on the enclosed site plan.)

**Adjacent Uses:** Single Family Residences

**Density:** Allowed under LUGs: Unlimited sq. ft.  
Proposed density:  $4,947 + 293 = 5,240$  sq. ft.

**Mass:** Allowed under LUGs: Unlimited sq. ft.  
Proposed mass:  $5,240 + 1,004 = 6,244$  sq. ft.

**Height:** Recommended: 35 feet overall  
Proposed: 30 feet (no change)

**Parking:** Required: 2 spaces  
Proposed: 5 spaces

**Snowstack:** Required: 743 sq. ft. (25%)  
Proposed: 920 sq. ft. (31%)



### **Item History**

The Yancey Residence was approved by the Planning Commission on February 5, 2008. The modification to their platted disturbance envelope was approved on April 29, 2013.

### **Staff Comments**

**Architectural Compatibility (5/A & 5/R):** The character, materials and colors are to match the existing house, Staff has no concerns.

**Placement of Structures (9/A & 9/R):** The additions fit within the platted disturbance envelope. Staff has no concerns.

**Landscaping (22/A & 22/R):** No new landscaping is proposed or required with this application.

**Point Analysis (Section: 9-1-17-3):** Staff has found that the proposal meets all Absolute Policies and has not been awarded any positive or negative points for any Relative Policies.

### **Staff Recommendation / Decision**

The Planning Department has approved the Yancey Addition and Alteration (PC#2013039) with the attached Findings and Conditions.

## TOWN OF BRECKENRIDGE

**Yancey Addition and Alteration  
Highlands at Breckenridge, Filing 10, Lot 23  
86 Preston Way  
PC#2013039**

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

### FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **May 23, 2013**, 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 **June 4, 2013** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are 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 **December 11, 2014**, 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 platted building/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 and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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**

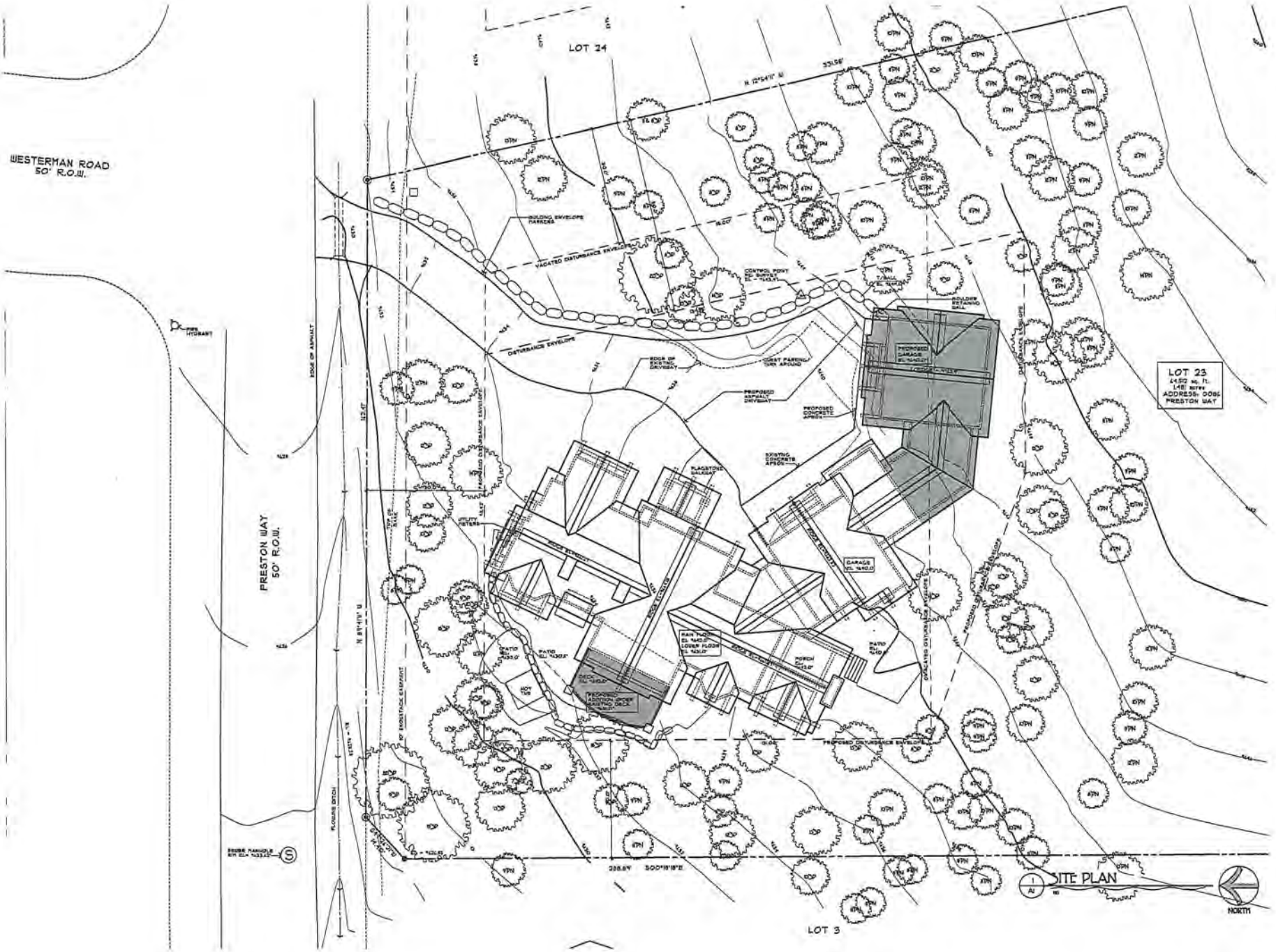
18. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
19. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.

20. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
21. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
22. 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.
23. Applicant shall screen all utilities.
24. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
25. 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.
26. 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.
27. 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.**
28. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
29. 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)





WESTERMAN ROAD  
50' R.O.W.

PRESTON WAY  
50' R.O.W.

LOT 23  
1.422 AC. PL.  
1.42 AC. 8974'  
ADDRESS: 00841  
PRESTON WAY

**ALLEN GUERRA**  
DESIGN BUILD INC.

ALLEN GUERRA DESIGN BUILD INC.  
505 10TH AVE.  
DENVER, COLORADO 80202  
TEL: 303.733.1111  
WWW.AGDESIGNBUILD.COM

YANCEY ADDITION  
LOT 23 - THE HIGHLANDS AT BRECKENRIDGE - FILING 10  
BRECKENRIDGE, COLORADO

11th SITE PLAN

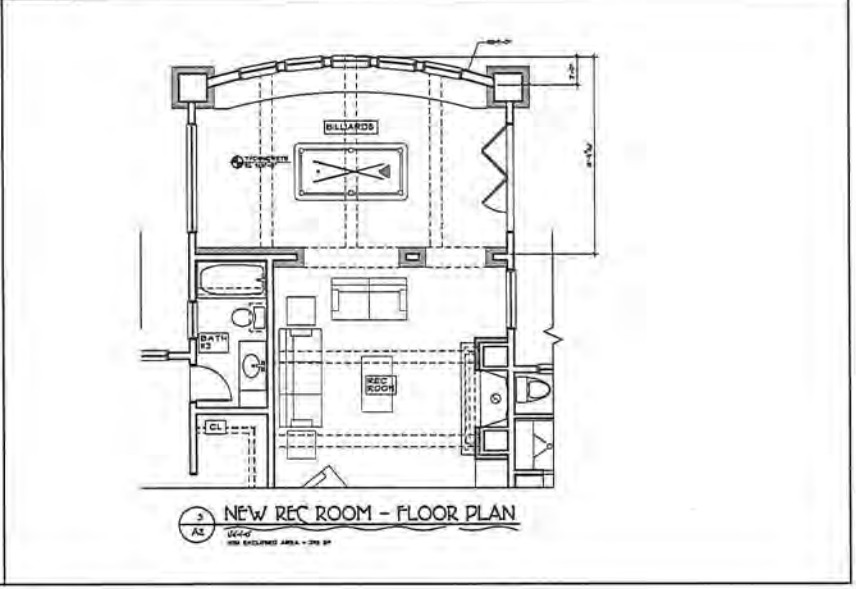
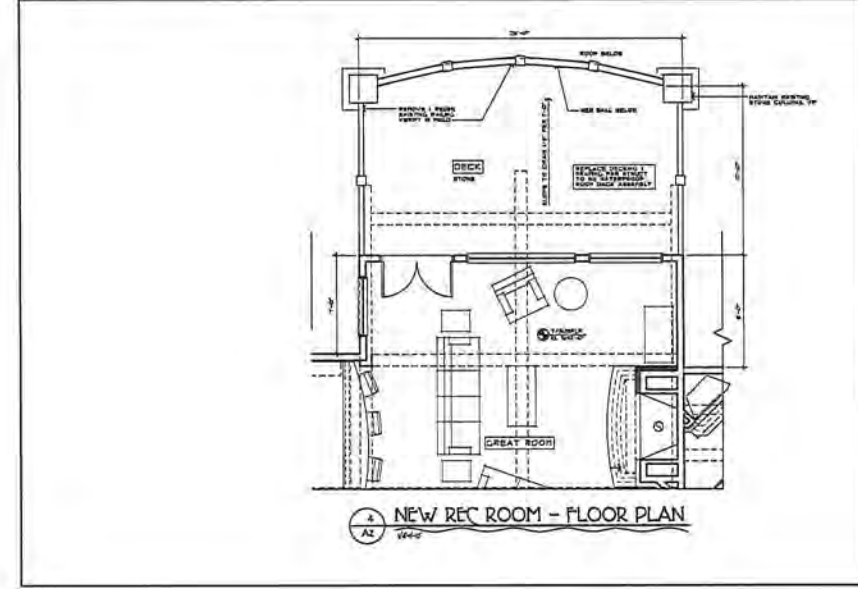
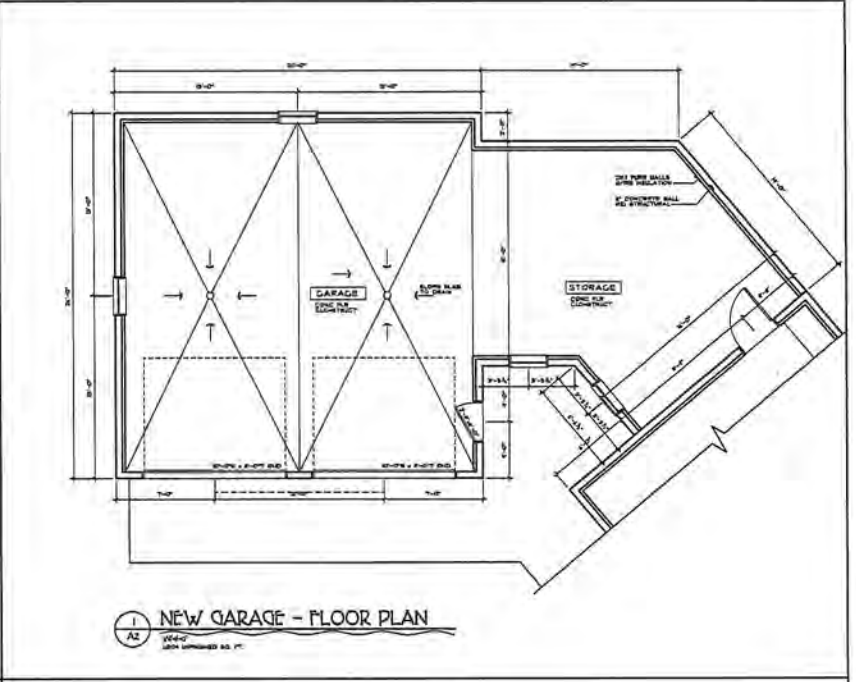
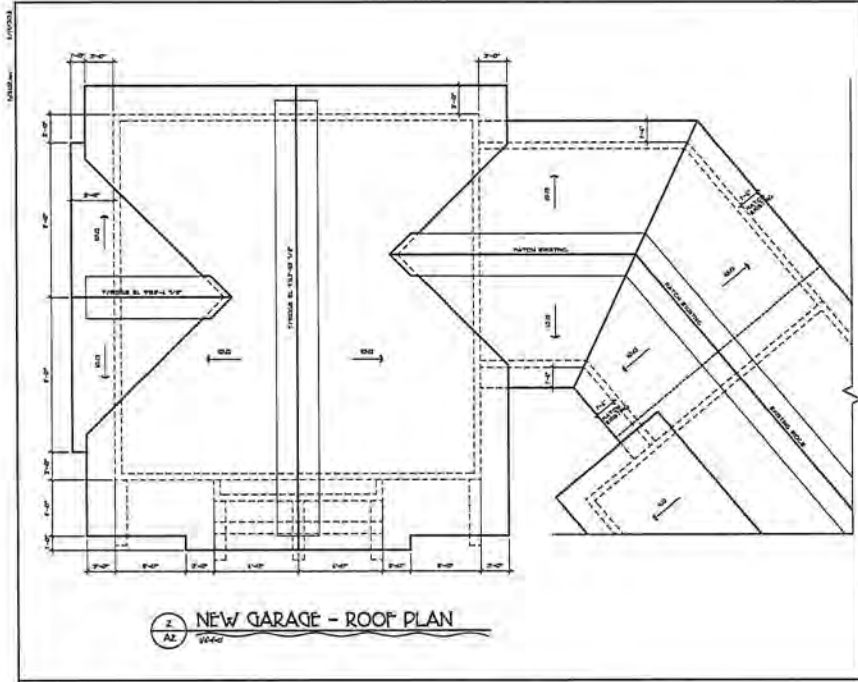
OWNER: ALLEN GUERRA DESIGN BUILD INC. ARCHITECT: ALLEN GUERRA DESIGN BUILD INC.

DATE	DATE
REVIEW	20 MAR 2003
DESIGNED	3 APRIL 2003
PLANNING	7 MAY 2003

AI

SITE PLAN





ALLEN GUERRA ARCHITECTS, P.C.  
10000 W. HIGHWAY 103, SUITE 100  
DENVER, COLORADO 80241  
TEL: 303.755.1111  
WWW.ALLENGUERRA.COM

YANCEY RESIDENCE ADDITION  
LOT 23 - THE HIGHLANDS AT BRECKENRIDGE - PHASE 10  
BRECKENRIDGE, COLORADO  
THE  
NEW GARAGE & REC ROOM FLOOR & ROOF PLANS

ISSUE	DATE
REVIEW	30 MAR 2010
REVISIONS	5 APRIL 2010
PLANNING	10 MAY 2010

A2





EXISTING GARAGE SOUTH ELEV  
& SECTION THRU ADDITION

4  
A3  
10/02



1 NORTH ELEVATION

1  
A3  
10/02



WEST ELEVATION @ NEW GARAGE  
& SECTION THRU CONNECTOR

3  
A3  
10/02

NOTE:  
ALL EXTERIOR MATERIALS  
AND COLORS INCLUDING  
ROOFING SIDING STONE  
VENEER SHROUS & TRIM  
TO MATCH EXISTING HOUSE



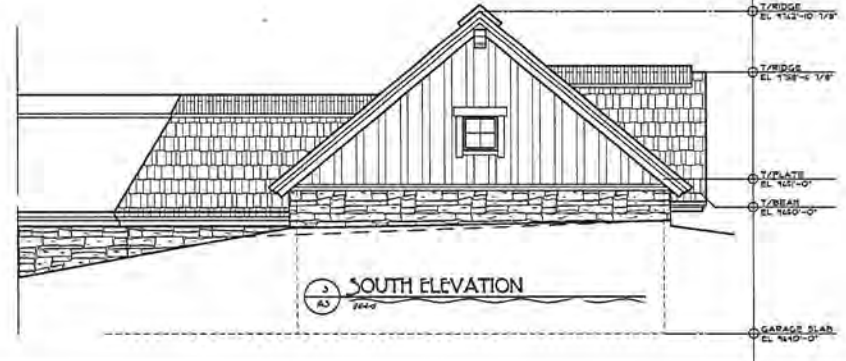
2 EAST ELEVATION

2  
A3  
10/02



PHOTO OF EXISTING GARAGE

6  
A3  
10



3 SOUTH ELEVATION

3  
A3  
10/02

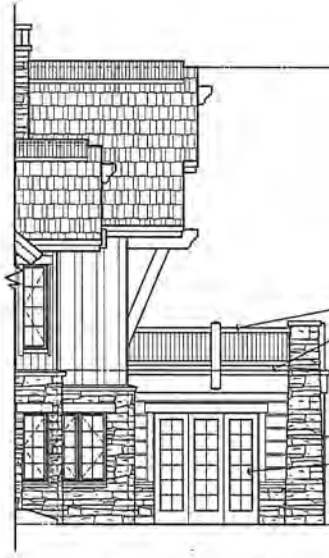


ALLEN-GERRA DESIGN, INC.  
1500 W. HIGHWAY 103, SUITE 100  
BRECKENRIDGE, COLORADO 80424  
PH: 303.461.1111 FAX: 303.461.1112  
WWW.ALLENGERRA.COM

YANCEY RESIDENCE ADDITION  
LOT 23 THE HIGHLANDS AT BRECKENRIDGE, TOWN OF  
BRECKENRIDGE, COLORADO  
EXTERIOR ELEVATIONS

ISSUE	DATE
REVIEW	20 MAR 2010
REVISION	1 APRIL 2010
PLANSHEET	7 MAY 2010

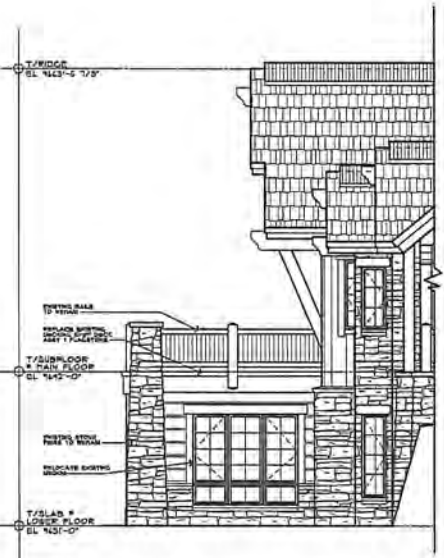
A3



3 PARTIAL NORTH ELEVATION  
A4 1/4\"/>



2 PARTIAL WEST ELEVATION  
A4 1/4\"/>



1 PARTIAL SOUTH ELEVATION  
A4 1/4\"/>



ALLEN GUERRA ARCHITECTS, P.C.  
1212 1/2  
1000 COLORADO  
DENVER, COLORADO 80202  
TEL: 303.733.1111  
WWW.ALLENGUERRA.COM

YANCEY RESIDENCE ADDITION  
LOT 23 THE HIGHLANDS AT BRECKENRIDGE - FILING 10  
BRECKENRIDGE, COLORADO

EXTERIOR ELEVATIONS

CONSENT TO ARCHITECTURE, PLANS, SPECIFICATIONS, CONTRACT DOCUMENTS, AND/OR CONSTRUCTION ADMINISTRATION SERVICES ONLY.

DATE	DATE
REVIEW	20 MAR 2020
DESIGNED	1 APRIL 2020
PLANNING	9 MAY 2020
PROJECT # 241	

A4









Class C Development Review Check List

**Proposal:** Construct a new single family home  
**Project Name/PC#:** Corkscrew Flats, Lot 27 PC#2013042  
**Project Manager:** Michael Mosher  
**Date of Report:** May 24, 2013 For the June 4, 2013 Planning Commission Meeting  
**Applicant/Owner:** Blue River Corkscrew, LLC  
**Agent:** Tom Begley, Breckenridge Lands  
**Proposed Use:** Single Family Residence  
**Address:** 420 Corkscrew Drive  
**Legal Description:** Lot 27, Corkscrew Flats Subdivision #5  
**Site Area:** 19,060 sq. ft. 0.44 acres  
**Land Use District (2A/2R):** LUD 14.2 (Single Family or Duplex) for the disturbance envelope and LUD 1 (Low Density Residential, Recreational) on steeper portions of the site

**Existing Site Conditions:** The property is relatively flat inside the envelope and slopes steeply up to 35% on the southwest portion of the property. The back of the lot is treed with Lodgepole and Spruce trees. A 20-foot drainage easement is located across the back of the property. Two 15'X30' utility and drainage easements are located at the front corners of the lot.

**Density (3A/3R):** Unlimited Proposed: 3,086 sq. ft.  
**Mass (4R):** Unlimited Proposed: 3,744 sq. ft.  
**F.A.R.** 1:5.09 FAR

**Areas:**

**Lower Level:**  
**Main Level:** 1,972 sq. ft.  
**Upper Level:** 1,114 sq. ft.  
**Accessory Apartment:**  
**Garage:** 658 sq. ft.  
**Total:** 3,744 sq. ft.

**Bedrooms:** 3  
**Bathrooms:** 3.5  
**Height (6A/6R):** 27 feet overall  
(Max 35' for single family outside Conservation District)

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

Building / non-Permeable:	3,602 sq. ft.	18.90%
Hard Surface / non-Permeable:	1,291 sq. ft.	6.77%
Open Space / Permeable:	14,167 sq. ft.	74.33%

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

Required:	2 spaces
Proposed:	2 spaces

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

Required:	323 sq. ft.	(25% of paved surfaces)
Proposed:	395 sq. ft.	(30.60% of paved surfaces)

**Fireplaces (30A/30R):** One - gas fired  
**Accessory Apartment:** None  
**Building/Disturbance Envelope?** Disturbance Envelope

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

The proposed residence will be architecturally compatible with the neighborhood.

**Exterior Materials:**

Cedar shake siding, natural stone wainscot with 2x drip cap, 2X10 shiplap siding.

**Roof:**

40 year architectural grade roof shingles with metal accents

**Garage Doors:**

2x trim with 1x vertical v-groove inlay (color to match house)

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

Planting Type	Quantity	Size
Colorado Spruce	7	5@ 6 feet tall and 2 @ 10 feet tall
Aspen	17	6@2" caliper; 4@3" caliper; 50% multi-stem
Shrubs and perennials	20	5 Gal.

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

Positive drainage away from the structure.

**Driveway Slope:**

1.5 %

**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 application meets all Absolute and Relative Policies of the Development Code.

**Staff Action:**

Staff has approved Lot 27, Corkscrew Flats, PC#2013042, located at 420 Corkscrew Drive with the attached Findings and Conditions.

**Comments:**

**Additional Conditions of Approval:**

**TOWN OF BRECKENRIDGE**

**Corkscrew Flats, Lot 27  
Lot 27, Corkscrew Flats Subdivision #5  
420 Corkscrew Drive  
PC#2013042**

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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 **May 24, 2013**, 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 **June 4, 2013**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are 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 **December 11, 2014** unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.



7. **At the point where the driveway opening ties into the road, the driveway shall continue for five feet at the same cross slope grade as the road before sloping to the residence. This is to prevent snowplow equipment from damaging the new driveway pavement.**
8. Applicant shall field locate utility service lines to avoid existing trees.
9. An improvement location certificate of the height of the top of the foundation wall and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.
10. **At no time shall site disturbance extend beyond the limits of the platted site disturbance envelope, including building excavation, and access for equipment necessary to construct the residence.**
11. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
12. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

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

13. Applicant shall submit 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 and erosion control measures in a manner acceptable to the Town Engineer.**

20. **Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.**
21. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

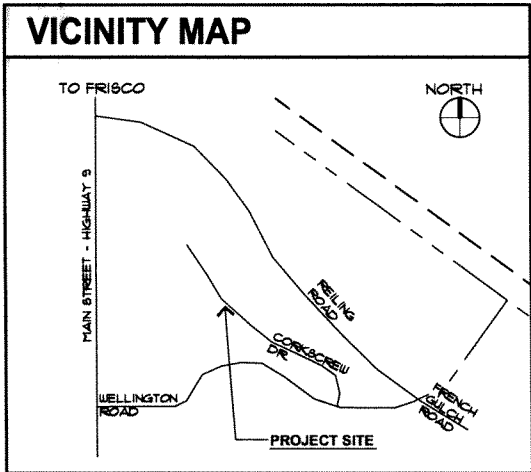
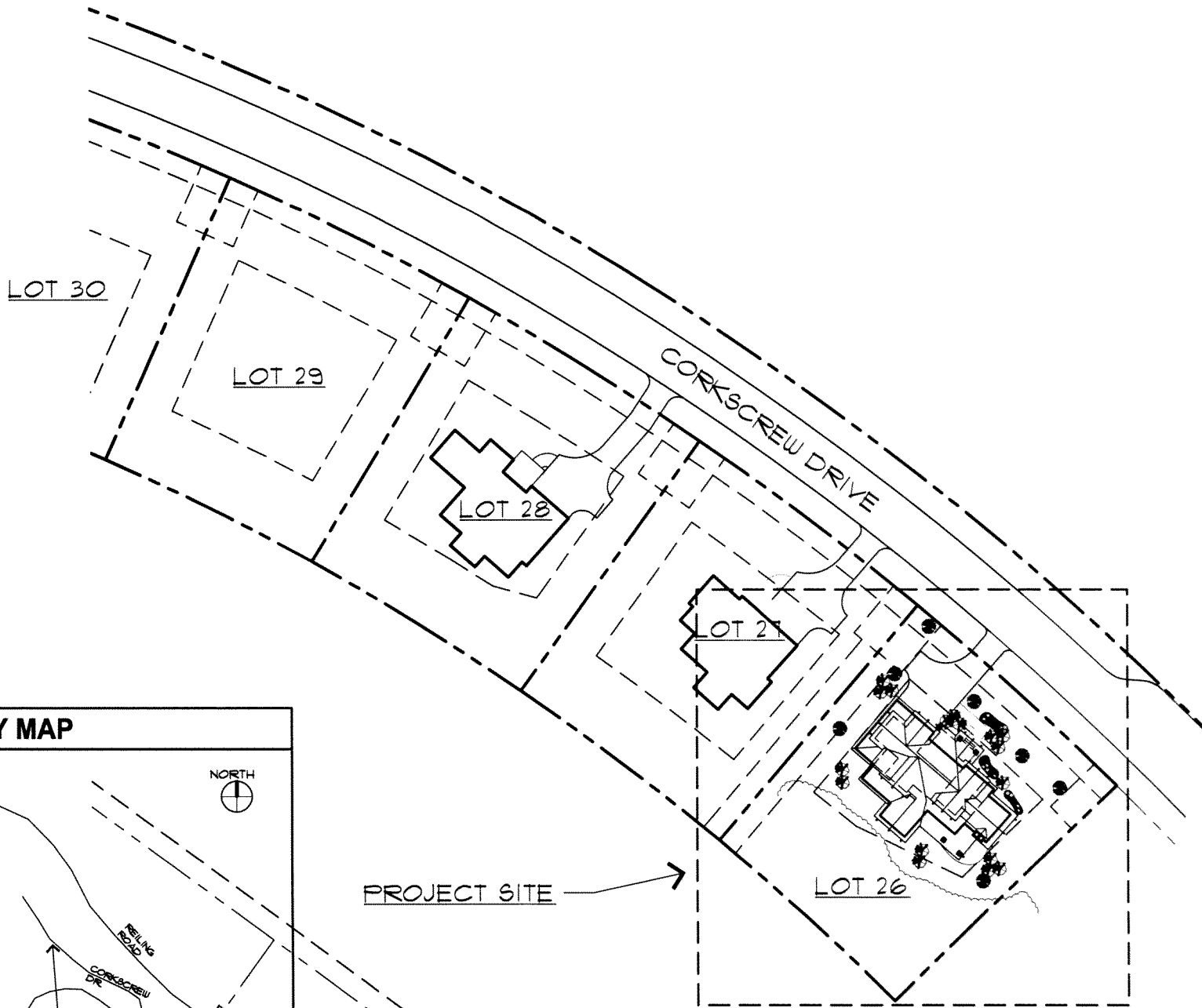
**PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

22. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
23. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
24. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
25. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping for all existing trees.
26. **Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.**
27. Applicant shall screen all utilities.
28. **All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.**
29. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
30. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
31. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of

Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**

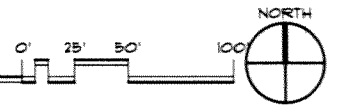
32. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
33. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05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

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(Initial Here)



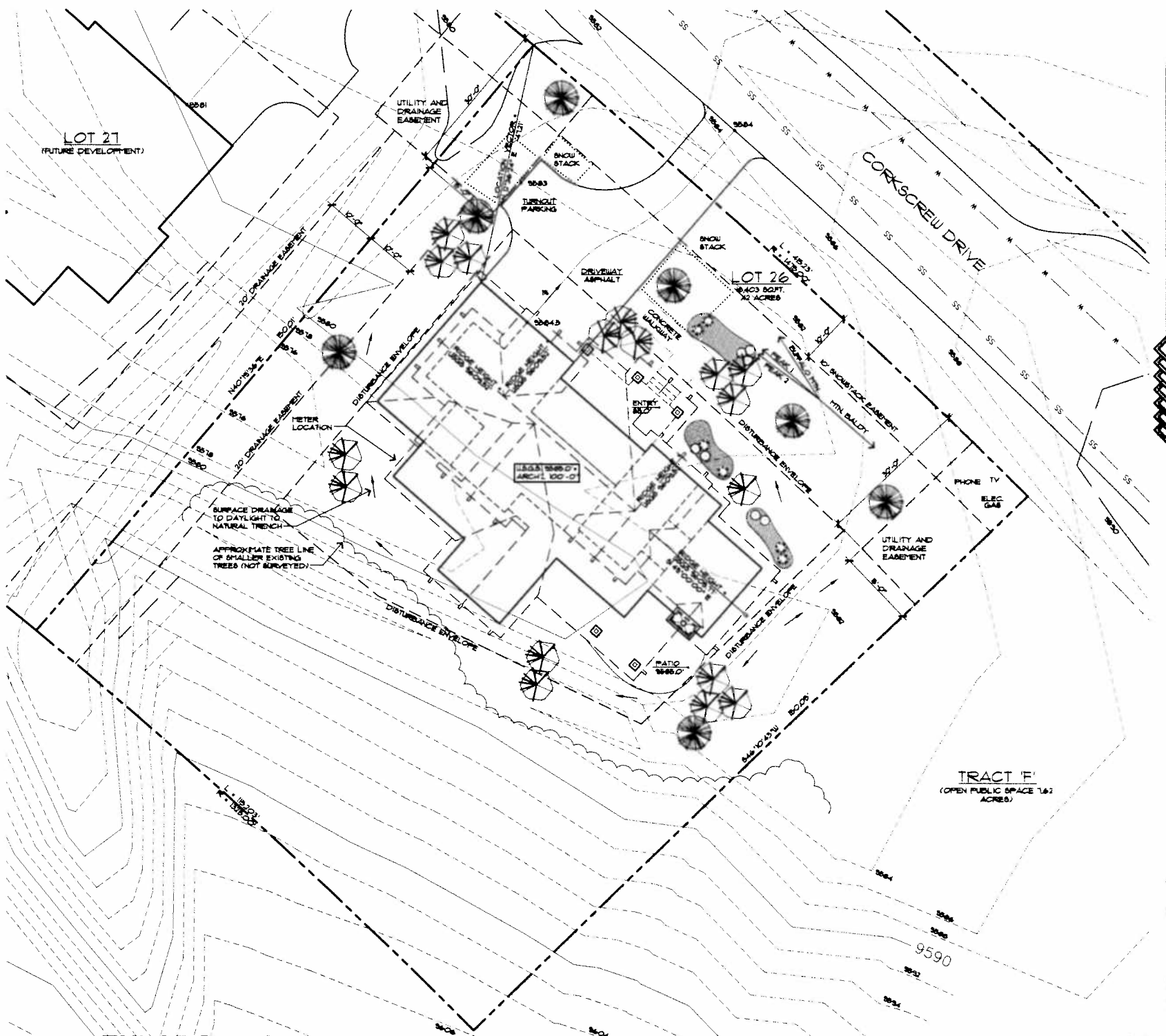
**OVERALL SITE PLAN**

SCALE: 1" = 50'-0"



CORKSCREW LOT 26

PC# 2012092



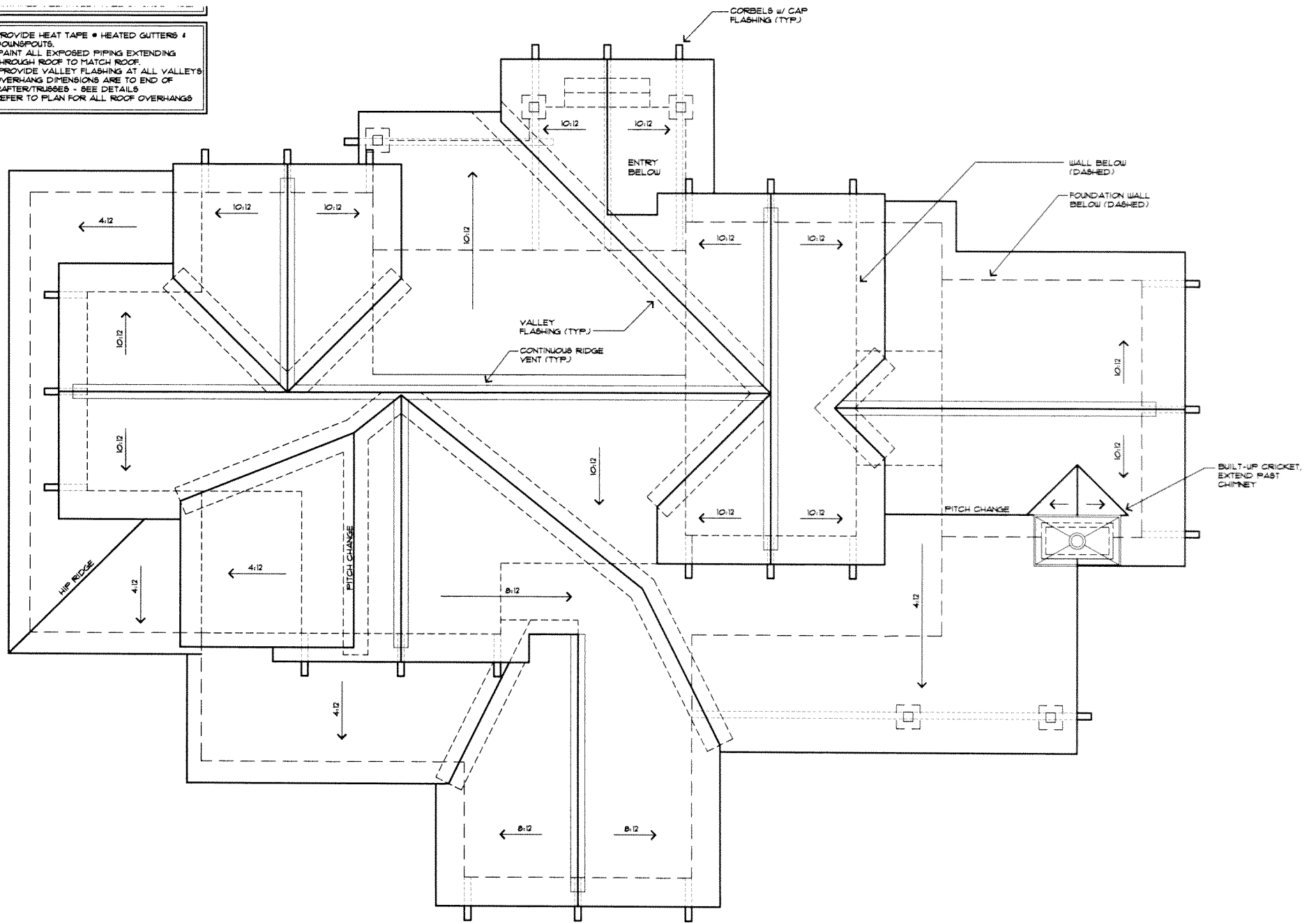
**ENLARGED SITE PLAN**

SCALE: 1" = 10'-0"

CORKSCREW LOT 26 PC # 2012092



1. PROVIDE HEAT TAPE • HEATED GUTTERS & DRAINPOUTS.
2. PAINT ALL EXPOSED PIPING EXTENDING THROUGH ROOF TO MATCH ROOF.
3. PROVIDE VALLEY FLASHING AT ALL VALLEYS.
4. OVERHANG DIMENSIONS ARE TO END OF RAFTER/TRUSSES - SEE DETAILS.
5. REFER TO PLAN FOR ALL ROOF OVERHANGS.



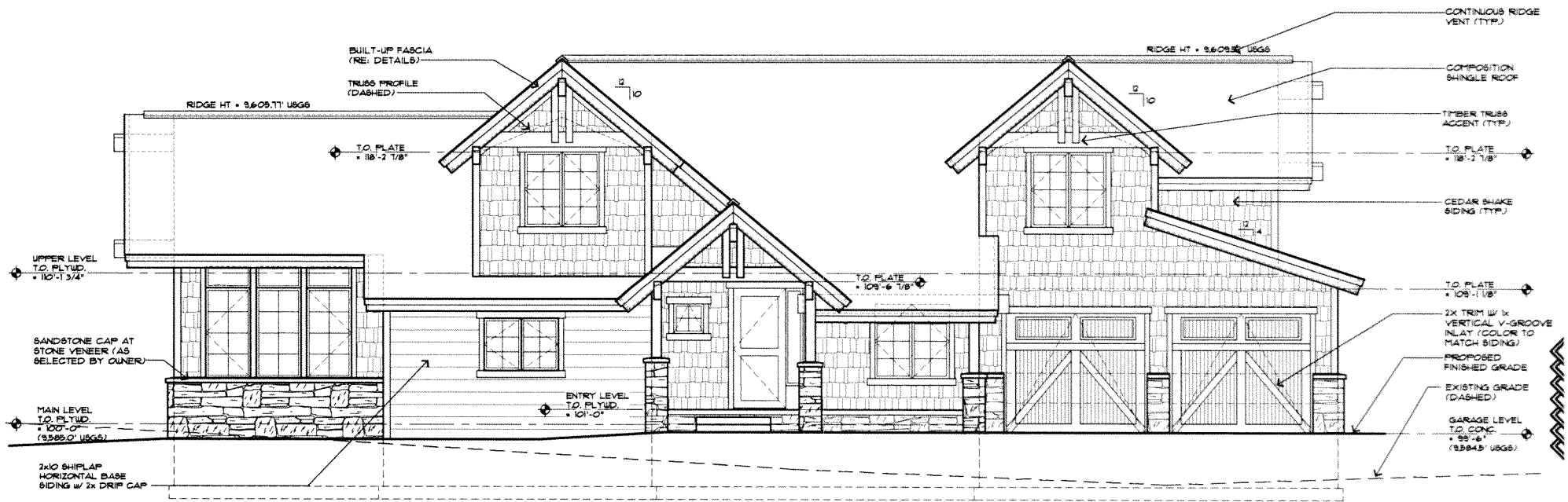
# ROOF PLAN

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

CORKSCREW LOT 26

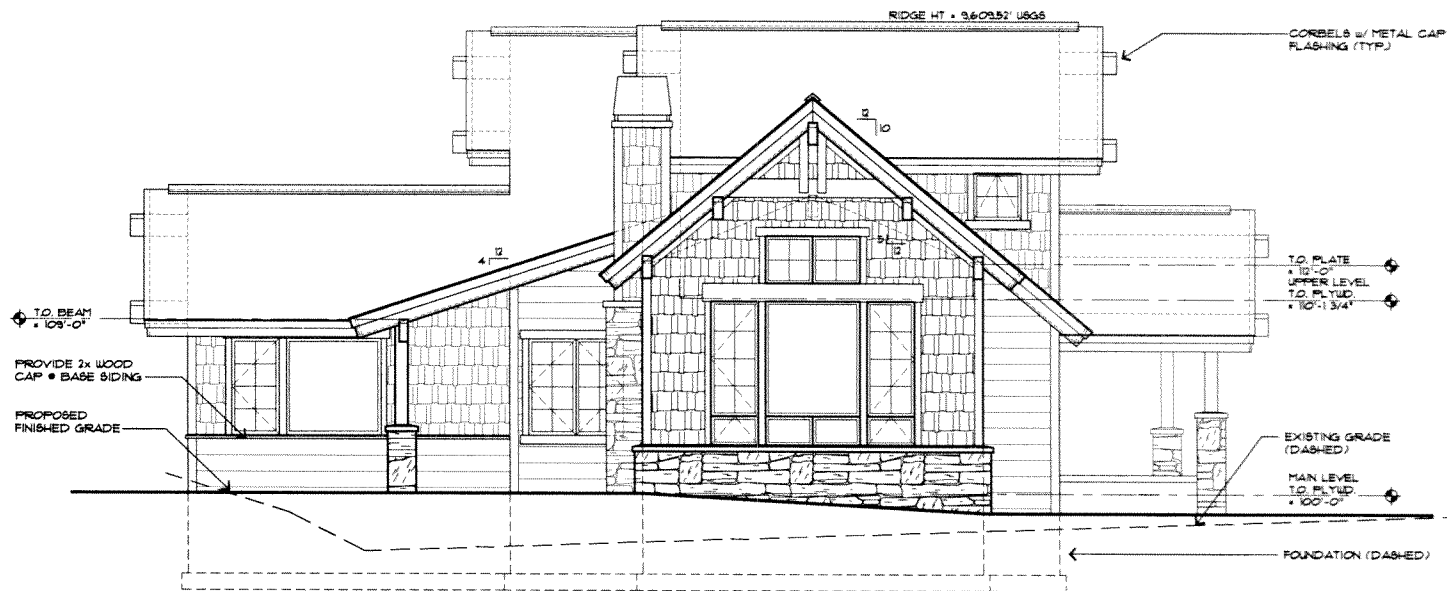
PC # 2012092





# EAST ELEVATION

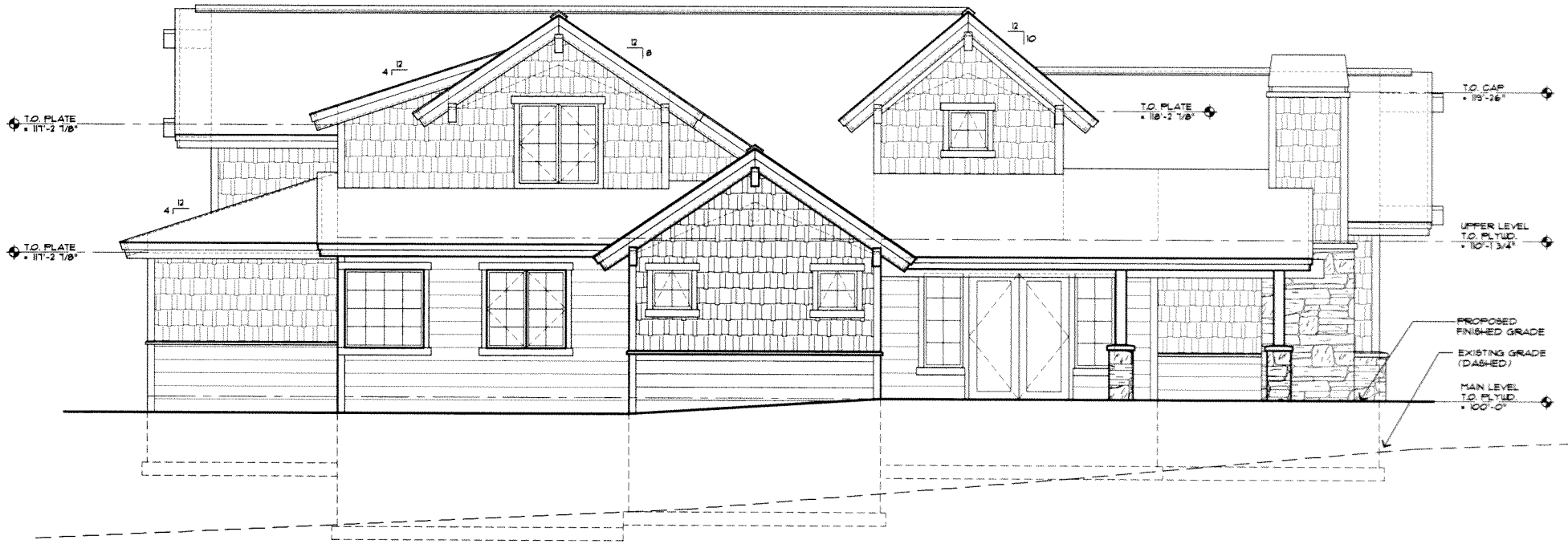
SCALE: 1/4" = 1'-0"



# SOUTH ELEVATION

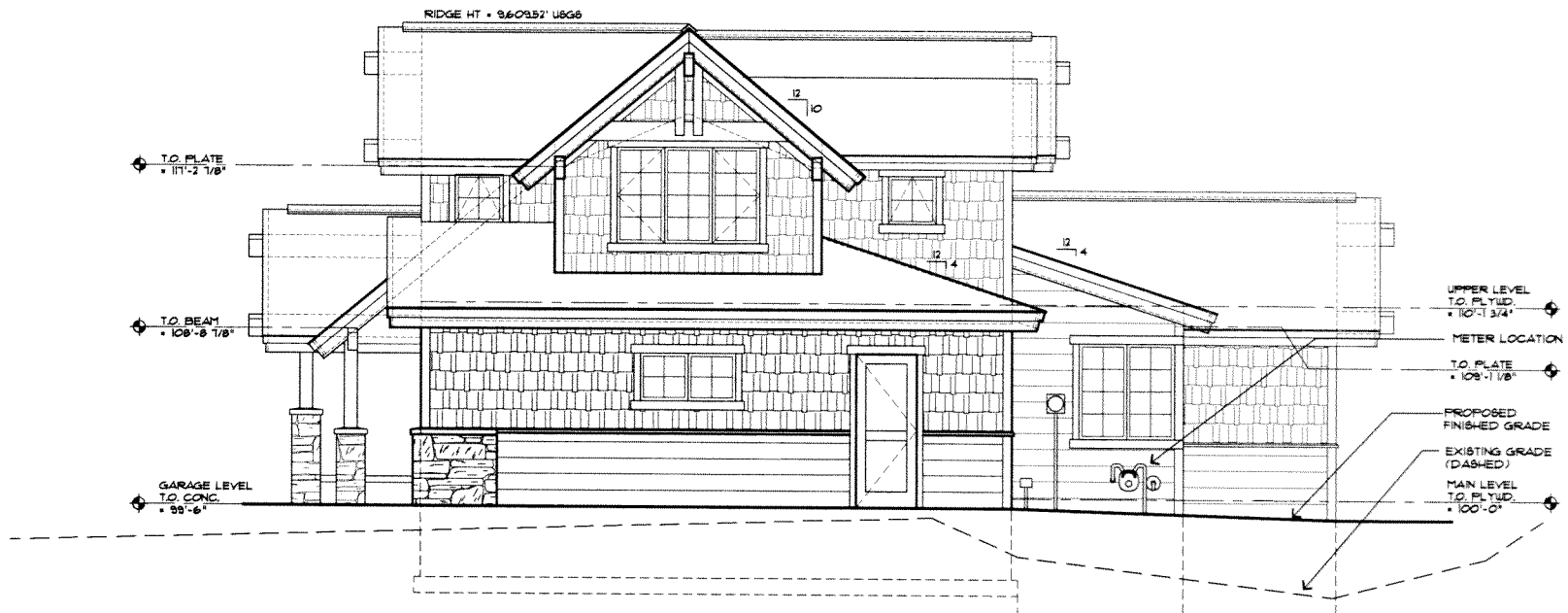
SCALE: 1/4" = 1'-0"

CORKSCREW LOT 26 PC# 202092



## WEST ELEVATION

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



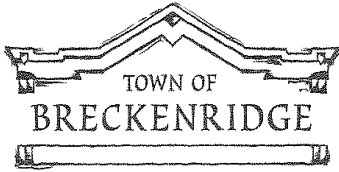
## NORTH ELEVATION

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

CORKSCREW LOT 26

PC # 202092





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**MEMORANDUM**

**TO:** Planning Commission

**FROM:** Michael Mosher, Planner III and Laurie Best, Planner III

**DATE:** May 24, 2013 for meeting of June 4, 2013

**SUBJECT:** Maggie Point (formally Maggie Placer) redevelopment application

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As described at the May 7th worksession:

This plan is being presented to the Planning Commission for the review of a fit test. The Town Council is considering a modification to the existing annexation agreement for Maggie Point, but before they act on that request, they asked that Planning Commission to review the plan, and provide a preliminary assessment/point analysis against the Development Code. The input from the Planning Commission is an important consideration in the Council's decision prior to any modification of the agreement.

At the last worksession, the Commission reviewed a site plan for the development. Concerns were raised from Staff and the Commission about the Site Buffering and Privacy (Policy 7, Site and Environmental Design) and the efficiency of the snow stacking (Policy 9, Placement of Structures/ Snow Storage), resulting in the following preliminary points assessment for the project.

Negative points:

- -4 points under Policy 7, Site and Environmental Design / Site Buffering
- -2 points under Policy 7, Site and Environmental Design / Site Privacy
- -4 points under Policy 9, Placement of Structures/ Snow Storage (still under review and need Commission input)

This would bring the total to negative six (-6) or negative ten (-10) points. Positive points, so far, are being obtained from Policy 24, Social Community Employee Housing.

Responding to these concerns the applicant has returned with a modified site plan showing:

- A reduction of one unit to a new total of 18 units. (50% Market Rate and 50% Deed Restricted)
- Three buildings are in Triplex form.
- The separation between buildings (not the eaves) is at a minimum of 20-feet, with the exception of the separation between Building 4 & 5 which is at 19-feet.

- Landscaping has been added between units adding to the buffering and privacy.
- The snow stacking areas on the outside of the private drive have been increased slightly.

As a result of these modifications, Staff believes the concerns regarding the Site Buffering and Privacy and the efficiency of the snow stacking have been resolved to a point where no negative points are suggested.

Since the provided employee housing exceeds 10% of the market rate density, the Development Code suggests positive ten (+10) points. As mentioned in the last review, the Town Council may consider a modified assignment of positive points under Policy 24 Social Community, Employee Housing that may be lower than the Development Code identified positive ten (+10) points. This will be addressed in the modified Annexation Agreement.

We welcome any Commissioner comments.

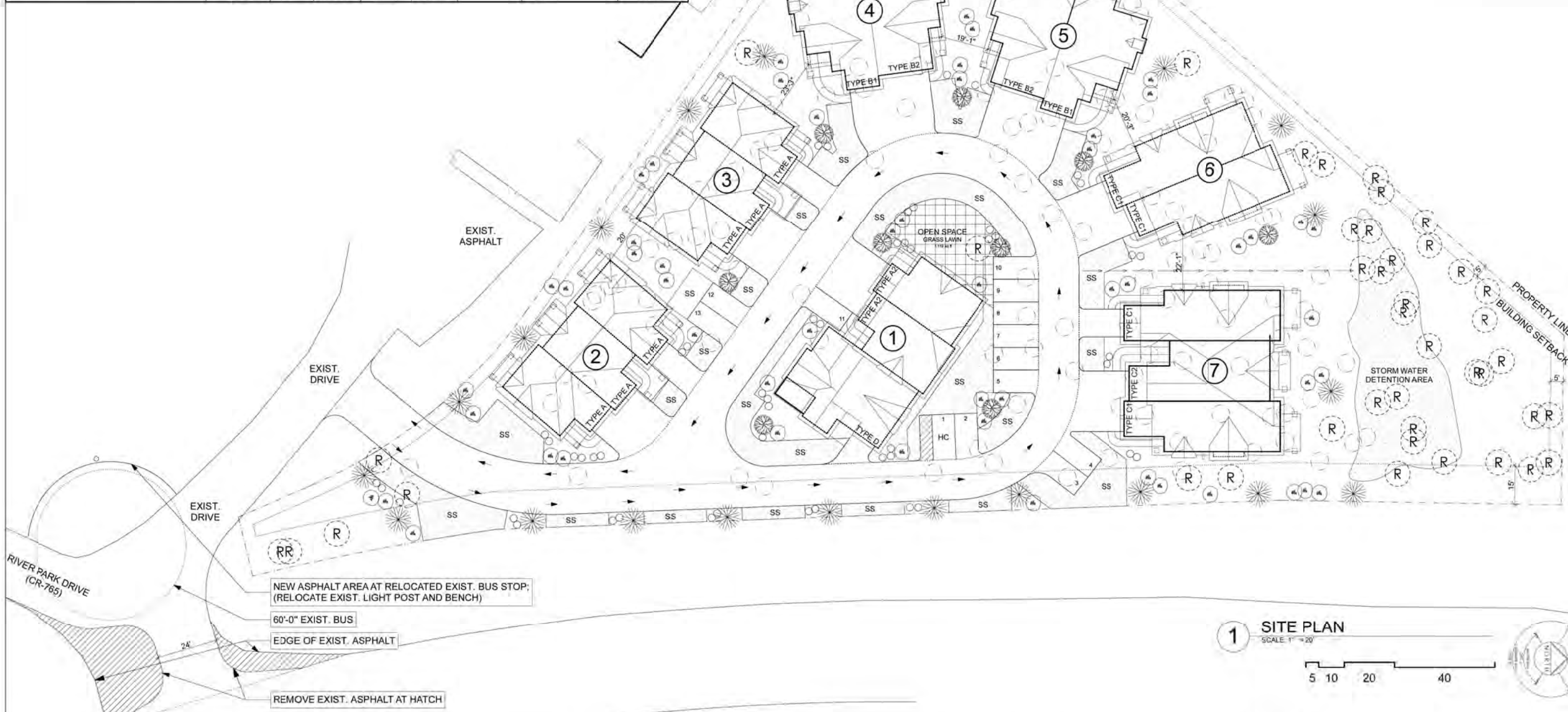
Does the Commission recommend the applicant proceed with Town Council to modify their Annexation Agreement based on the proposal potentially obtaining a passing score on a future Point Analysis

*Commissioner Questions / Comments:*

- Mr. Mamula: Whenever you get a project with negative points that are all coming from snow stack, buffering or landscaping, there is simply too much product on the site. Unless you can work through these negative points, this will fail. I don't know that I'm necessarily buying your snow storage argument. It is not efficient. Your three points shy of passing, at a first blush. It's just too dense. I would like to know from Council if we have the ability to go less than 7 points for the housing. I don't know that we've ever had the Council put a point total for Planning before. (Mr. Grosshuesch: The Housing Committee did not believe they should get the full 10 points because the project didn't meet the 80/20 rule.) I would feel more comfortable with a point range; if the Council wants to know what we think, it would be nice to have some flexibility. The architecture is all great; better than before, but it just doesn't fit on the site.
- Ms. Christopher: I'm going to echo what Mr. Mamula said; the architecture is a great improvement from 2009; this appears more neighborly. However, the buildings are way too close. A 20-foot separation should be a standard in this neighborhood as well.
- Ms. Dudney: I share the same concerns. I also concur with what Mr. Mosher recommended in the Staff report for negative points.
- Mr. Lamb: It's looking really tight and I agree with what everyone has said. It is at minus ten points, maybe minus seven; right now it flunks. It might be massaged into something workable, but it would be a better project with a small reduction in the massing. I have plowed a little bit of snow, you put all of your snow in one place and it will take forever with little pockets of snow. On paper the snow storage is there but in real life it won't work.
- Mr. Schroder: My first impression is that there is no way I would want to live there; the lack of building separation. Mr. Craig, if you could take a look at this development as a prospective resident, what would you do differently? It appears to meet the Code but it just doesn't seem applicable in the real world. So much focus on proximity, shadow between buildings, usability of space. I would like to see something different or maybe yank a building.
- Mr. Pringle: The only thing that I want to talk about is what we can't talk about, but that is that this is a crappy deal for the Town. (Please write this down verbatim.) They need to re-look at this, and then they get 75% of the allowable points. The Town really needs to take a look at this. There is no buffering between units, snow stack is a number you have to meet but as far as the actual ability to do it, it doesn't work, and the windows might have a 2-3 degree difference but a lot of the windows are looking right into each other. I agree with Mr. Schroder: it doesn't look like a place anyone would want to live in.

**BUILDING AREA CALCS**

BLDG AREA			TOTAL AREA				TOTAL MASS		
TYPE	FIN	UNFIN	TOTAL	UNITS	FIN	UNFIN	TOTAL	MASS REDUCTION	TOTAL MASS
TYPE A	1,147	281	1,428	6	6,882	1,686	8,568	-	8,568
TYPE A2	1,098	357	1,455	2	2,196	714	2,910	-	2,910
TYPE B1	1,792	274	2,066	2	3,584	548	4,132	-	4,132
TYPE B2	1,742	471	2,213	2	3,484	942	4,426	-	4,426
TYPE C1	1,649	299	1,948	4	6,596	1,196	7,792	800	6,940
TYPE C2	1,952	443	2,395	1	1,952	443	2,395	185	2,194
TYPE D	1,020	300	1,320	1	1,020	300	1,320	-	1,320
<b>TOTAL</b>				<b>18</b>	<b>25,714</b>	<b>5,829</b>	<b>31,543</b>	<b>985</b>	<b>30,558</b>



**ARAPAHOE ARCHITECTS, P.C.**  
P.O. BOX 4780  
BRECKENRIDGE, CO 80424  
(970) 453-8474  
FAX: 453-8475

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ARAPAHOE ARCHITECTS, P.C.

**HOMES AT MAGGIE POINT**  
9525 CO HWY 9  
TOWN OF BRECKENRIDGE, CO

**SITE PLAN**

JOB: 1237  
OWN BY: CM  
ISSUE:

1/11/13 - CLASS A PRELIM  
3/8/13 - REVISION 2  
3/20/13 - REVISION 3  
4/25/13 - REVISION 4  
5/25/13 - REVISION 5

SHEET: **A-1**

**LANDSCAPE LEGEND**

KEY	NAME	NO.	SIZE
	<b>ASPEN</b> (POPULOUS TREMULOIDES)	52	2"-3" CAL. 50% MULTI.
	<b>SPRUCE</b> (PICEA PUNGENS OR PICEA ENGLEMANNII)	24	(10) 8" (14) 10"
	<b>CHOKO CHERRY</b> (PRUNUS VIRGINIANA)	10	1.5"-2" CAL.
	<b>SHRUBS/WILDFLOWERS</b> (POTENTILLA, PERENNIAL, & COTTENEASTER)	51	5 GAL.
	<b>EXISTING TREES TO REMAIN</b>		
	<b>EXISTING TREES TO BE REMOVED</b>		

**LANDSCAPE NOTES**

**a. Application of Topsoil or Mulching:** Topsoil shall be saved on site during construction. Stockpiled soil shall be stored at least two (2) feet outside the drip line of any existing trees to prevent damage to the root systems. Finished grades shall be set such as to include the application of a minimum of two (2) inches of topsoil in meeting spot elevations on contours shown on the submitted plans. An applicant may mulch a site in accordance with the provisions listed in below in lieu of providing topsoil. Slopes shall be smooth and free of rocks and the worked soil shall not be left in clumped form. A Review Authority may approve a more naturalized landscape in the periphery of a project or in more natural areas that includes rocks, logs and other natural elements. If a minimum of two (2) inches of topsoil is not utilized, an applicant may also apply a natural mulch (straw, hay, wood cellulose, etc.) provided the earth is tilled. A site only needs either topsoil or mulching and tilling. Hay mulch shall consist of clean field or marsh hay. Straw or hay in an advanced stage of decomposition that will smother or retard the normal growth of grass or that is not State Certified as free of noxious weed seed will not be accepted. If dry straw breaks in the creeping process, it shall not be accepted.

**b. Soil Preparation:** Preparatory to seeding, the top four (4) inches of the surface shall be tilled into an even and loose seedbed four (4) inches deep, free of clods in excess of four inches in diameter, or a minimum of two (2) inches of topsoil shall be applied to establish the desired line and grade. Planting of grass seed shall be done immediately following, and not more than ten (10) calendar days following surface preparation.

**c. Required Seed Mix:** The seed mix purity shall be a minimum of 95% pure live seed (PLS). The specified application rate per total mix shall be 80 pounds per acre broadcast, and 15-20 pounds per acre drilled.

**d. Spray and Drip Irrigation:** All trees and shrubs to be drip irrigated unless otherwise noted as a spray irrigation area. All irrigation shall be on a central timer with a rain/freeze sensor. Owners, heirs, and assigns will provide adequate landscape and irrigation system maintenance for all site elements, the obligation shall be joint and several.

**e. Timing of Seeding:** Where outside watering is not a practicable option, seeding shall be done in the fall after September 15, so that the seeds can germinate in the spring due to the spring melt and spring precipitation.

**f. Establishment of Revegetation:** Revegetation or ground cover shall be considered established if, when viewed from above, it covers 80% or more of the ground surface in a uniform manner with no sizeable bare spots. The ground cover growth shall be such that it is effective in controlling erosion and sedimentation.

**g. Weed-free Revegetation:** Landscaping and plant material shall be free from weeds as identified by the County as invasive, noxious or otherwise nuisance weed species. Native soils will have native weeds. A spray program will be implemented to manage invasive, noxious, or nuisance weeds.

**SHORT DRY GRASS SEED MIXTURE**

HARD FESCUE	30%
CREeping RED FESCUE	30%
SHEEP FESCUE	25%
CANADA BLUEGRASS	10%
CANBY BLUEGRASS	5%

**DATA BLOCK**

<b>ADDRESS</b>	9525 CO HWY 9	<b>LOT COVERAGE</b>			
<b>LEGAL DESCRIPTION</b>	A PARCEL OF LAND LOCATED IN THE MAGGIE PLACER, U.S.M.S. NO 1338, IN SEC. 6, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE 6TH PM, COUNTY OF SUMMIT, STATE OF COLORADO	<b>BUILDING</b>	18,310 SF	0.42 ACRE	23.1%
<b>LAND USE DISTRICT</b>	30 RESIDENTIAL	<b>PAVING</b>	18,666 SF	0.43 ACRE	23.6%
<b>LAND USE TYPE</b>	RESIDENTIAL	<b>OPEN SPACE</b>	42,168 SF	0.97 ACRE	53.3%
<b>SITE AREA</b>	1.8169 ACRES 79,144 SF	<b>TOTAL</b>	79,144 SF	1.82 ACRE	100.0%
<b>DENSITY</b>	ALLOWED: 20 RES. UNITS ALLOWED MAX. PER AMENDED ANNEXATION AGREEMENT PROPOSED: 9 UNRESTRICTED UNITS 9 RESTRICTED UNITS	<b>PARKING</b>	36 SPACES = 2 SPACES X 18 UNITS 54 SPACES = 2.89 SPACES PER UNIT 20 GARAGE 19 DRIVEWAY 13 COMMON		
<b>MASS</b>	ALLOWED: 25,714 FIN. SF + 20% = 30,867 SF PROPOSED: 30,558 SF	<b>FIREPLACES</b>	9 GAS BURNING UNITS		
		<b>DWELLING UNITS</b>	18 UNITS 44 BEDROOMS		
		<b>SNOW STACK</b>	REQUIRED: 25% OF 18,666 SF = 4,666.5 SF PROVIDED: 7,430.0 SF (159%)		

## Planning Commission Staff Report

- Subject:** McCain Solar Garden, Final Hearing (PC#2013036)
- Proposal:** A proposal to install a 500kW photovoltaic (PV) solar garden on a 3 acre portion of the McCain property. The proposed solar panels would consist of approximately 2,106 panels in 16 rows, accessed by the existing dirt road utilized by Alpine Rock.
- The proposed solar panels would be managed by Clean Energy Collective (CEC). CEC would sell panels to residents and businesses within the entire Summit County area, who would pay the upfront cost of the panels purchased. In turn, Xcel Energy would credit the purchaser's Xcel bill monthly for their share of the value of the energy produced.
- Address:** 13250, 12920 CO Highway 9 (north of Coyne Valley Road and west of CO Highway 9)
- Legal Description:** McCain Annexation Phase I Reception No. 714272, 67.6 acres (excluding Tract A, Reception No. 491971, 9.9 acres), McCain Annexation Phase II Reception No. 714274, 35.2 acres including Alpine Rock Company 25 acres reception No. 703129)
- Project Manager:** Julia Puester, AICP
- Date:** May 28, 2013 (For meeting of June 4, 2013)
- Applicant/Owner:** Town of Breckenridge
- Agent:** Richard Miller, AICP, Land Manager, Clean Energy Collective (CEC)
- Site Area:** 3 acres of the 127 acre site
- Land Use District:** 43: Open Space and Governmental Uses per the McCain Master Plan
- Site Conditions:** This 3 acre portion of the site is on previously disturbed dredged area. Alpine Rock gravel storage area and the Blue River are located to the west and the Highway and Summit County bike path to the east. The southern end has an existing dredge rock berm, and some mature lodge pole pine trees toward the eastern property line along the Summit County bike path.
- Adjacent Uses:** North: Alpine Rock Processing Plant and Stan Miller property  
South: Coyne Valley Rd/Colorado Mountain College  
East: Existing service commercial storage yards/ CO Highway 9/ Silver Shekel Subdivision  
West: Red Tail Ranch Subdivision/ US Forest Service
- Height:** Recommended: No more than 2 full stories

	Proposed:	11' structure height of panels on mounting system
<b>Lot Coverage:</b>	Building / non-Permeable:	260 sq. ft. (0.2% of site)
	Hard Surface / non-Permeable:	0 sq. ft. (0% of site)

**Setbacks  
(from entirety of  
McCain/Alpine  
Rock property):**

Front/east:	690 ft.
Side/north:	675 ft.
Side/south:	2,850 ft.
Rear/west:	1,200 ft.

**Item History**

With the Town's annexation of this parcel, the property was incorporated into Land Use District 43 in 2003. The Town is currently in the process of purchasing the Alpine Rock property (which the proposed solar garden is located on a portion of). The Town Council approved the McCain Master Plan May 14, 2013 which allows for open space and governmental uses including solar gardens.

The Planning Commission denied the McCain solar garden on October 18, 2011 due to a nonpassing point analysis. Primary concerns from the Planning Commission were lack of buffering to the site as well as the lack of landscaping proposed.

The applicants returned with a new proposal which includes a well screened location and smaller scale solar garden on the Alpine Rock property to the north of the previous site. The Planning Commission unanimously supported the application at preliminary hearing May 21, 2013.

**Changes from May 21, 2013**

The primary concern from the Planning Commission was additional visual buffering to the site from the Highway 9 and Coyne Valley Road rights-of-ways.

Primary changes made since the May 21 review include:

- Landscape plans
- Revised visual representations (which include the existing berm)

**Staff Comments**

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

In addition, this report does not address items discussed with the preliminary hearing staff report which did not raise concerns by the Commission at the preliminary hearing including:

- *Architectural Compatibility (5/A):* Detached solar arrays are listed in the priority preference list. The site is partially buffered by existing mature trees along the Highway 9 and to the west of the Recreation Path and existing dredge rock berm to the south.

- *Site and Environmental Design (7/R)* The site utilizes the natural features for buffering including existing topography, berm and tree buffer.
- *Placement of Structures (9/A & 9/R)* The array is 675 feet from the Highway 9 right of way and 2,800 feet from Coyne Valley right of way.
- *Fences, Gates and Gateway Entrance Monuments (47/A)* A game fence 6 feet in height will be around the solar garden.
- *Utilities (28/A)* All utilities will be underground.

**Landscaping (22/A & 22/R):** The lease area site is void of any existing vegetation. The applicants are planning to introduce plantings to create buffering from view corridors of Highway 9 and Coyne Valley Road right-of-way. To accomplish this approach, staff is supportive of the applicants planting outside of their lease area. A covenant running with the land lease will be required. This is a condition of approval.

Per this Policy (applicable sections):

*B. Landscaping Requirements:*

*(1) Each property shall provide a separation of uses, enhancement of privacy, and the protection of viewsheds from public rights of way as appropriate for each neighborhood. These requirements shall be met through existing vegetation, or with new landscaping providing adequate screening of the property as provided in this policy. The individual character of each neighborhood shall be considered by the planning commission in determining compliance with this requirement.*

*(11) At least fifty percent (50%) of all tree stock shall be of a size equal to or greater than six feet (6') in height for evergreen trees and one and one-half inches (1½") caliper for deciduous trees, measured six inches (6") above ground level. Such trees shall be in a minimum of: a) five (5) gallon containers, if container stock; b) twelve inch (12") root spread, if bare root stock; or c) fourteen inch (14") ball diameter if balled and burlapped with the ball depth not less than seventy five percent (75%) of diameter or three-fourths (¾) of width. Size adjustments reflecting the growth habits of particular species may be made if approved by the planning commission.*

At the last meeting, the applicant proposed a minimal amount of landscaping with four aspens four spruce trees. To address concerns regarding additional screening to the site previously raised by staff and the Commission, the applicant has proposed the following trees.

TREE	QTY	SIZE	LOCATION
Colorado Spruce	7	6' tall	Hwy 9 screening
Lodgepole Pine	9	6' tall	Hwy 9 screening
Aspen	9	1 ½" caliper	Hwy 9 screening
Colorado Spruce	2	6' tall	Berm/Coyne Valley Rd screening
Lodgepole Pine	9	6' tall	Berm/Coyne Valley Rd screening
Aspen	3	1 ½" caliper	Berm/Coyne Valley Rd screening

Trees have been placed to assist in breaking up line of sight from the rights of ways to the solar garden. These are the most visible portions to the site from Coyne Valley Road and Highway 9 (with the exception of Silver Shekel from above). The berm will also be reshaped and capped with topsoil and seeded.

Trees are shown in response to field visits regarding site visibility. Exact locations will be determined once the solar panels are installed to ensure strategic screening.

Staff believes that the plantings shown meet the intent of screening and the Commissioners concerns. Staff believes this meets the intent of the policy resulting in no negative or positive points.

**Energy Conservation (33/R):** The goal of this policy is to incentivize energy conservation and renewable energy systems in new and existing development at a site plan level. This policy seeks to reduce the community's carbon footprint and energy usage and to help protect the public health, safety and welfare of its citizens.

*D. Other Design Features:*

*1x(-2/+2) Other design features determined by the planning commission to conserve significant amounts of energy may be considered for positive points. Alternatively, other features that use excessive amounts of energy may be assigned negative points.*

A 500 kilowatt solar garden would provide enough energy to serve approximately 75 homes. Staff finds that Policy 33/R (D) is applicable to this project by conserving significant amounts of energy town-wide and warrants positive two (+2) points. This is consistent with the Stillson Solar Garden point analysis and was supported by the Commission at the preliminary hearing.

**Point Analysis (Section: 9-1-17-3):** The proposal passes all Absolute Policies of the Development Code. Relative Policies have been assigned points as follows:

- Policy 33/R-Energy Conservation positive two (+2) points for conserving significant amounts of energy.

**Staff Recommendation**

Staff has been working with the applicants to address the landscape screening issues raised by the Planning Commission. Staff believes that the applicant has made appropriate efforts with strategic landscape plantings proposed.

We welcome any additional comments or questions.

Staff is recommending the Planning Commission approve the final Point Analysis for the McCain Solar Garden, PC# 2013036.

Staff also recommends the Planning Commission approve the McCain Solar Garden, PC# 2013036 along with the attached Findings and Conditions.



<b>Final Hearing Impact Analysis</b>				
Project:	McCain Solar Garden	<b>Positive Points</b>	<b>+2</b>	
PC#	2013036	<b>Negative Points</b>	<b>0</b>	
Date:	5/27/2013			
Staff:	Julia Puester			
		<b>Total Allocation:</b>	<b>+2</b>	
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)	0	Site is well buffered utilizing an existing mature tree buffer from Highway 9 and Coyne Valley Road. The site is behind an existing berm to the south.
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	<b>Internal Circulation</b>	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		

17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
	<b>Landscaping</b>	Complies		The applicant will install trees to screen the site from important view corridors such as Highway 9 and Coyne Valley Road with landscape along the rights of way in addition to south of the berm.
22/A				
22/R	Landscaping	2x(-1/+3)		
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)	+2	Project would conserve significant amount of energy community wide, totaling approximately 75 homes annually.
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		

37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

**TOWN OF BRECKENRIDGE**

**McCain Solar Garden  
13250, 12920 Colorado Highway 9  
McCain Annexation Phase I Reception No. 714272, 67.6 acres (excluding Tract  
A, Reception No. 491971, 9.9 acres), McCain Annexation Phase II Reception  
No. 714274, 35.2 acres including Alpine Rock Company 25 acres reception No.  
703129)**

**PERMIT #2013036**

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**STAFF RECOMMENDATION:** Staff recommends the Planning Commission approve this application with the following findings and conditions.

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**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 **May 27, 2013** 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 **June 4, 2013** as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.
7. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.

**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 three years from date of issuance, on **June 4, 2016**, 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 three years, 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. Applicant shall not place a temporary construction or sales trailer on site until a building permit for the project has been issued.
7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
8. 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.
9. 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 snow plow equipment from damaging the new driveway pavement.
10. Applicant shall field locate utility service lines to avoid existing trees.

PRIOR TO ISSUANCE OF BUILDING PERMIT

11. Applicant shall submit proof of lease of the project site.
12. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
13. 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.
14. Applicant shall identify all existing trees that 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 execute and record with the Summit County Clerk and Recorder a covenant and agreement for the duration of the property lease, in a form acceptable to the Town Attorney, requiring compliance in perpetuity with the approved landscape plan.**
18. The road shall have an all weather surface, drainage facilities, and all utilities installed acceptable to Town Engineer. Fire protection shall be available to the building site by extension of the Town's water system, including hydrants, prior to any construction with wood. In the event the water system is installed, but not functional, the Fire Marshall may allow wood construction with temporary facilities, subject to approval.
19. **Applicant shall provide a copy of the Storm Water Permit to the Town.**
20. Applicant shall submit a 24"x36" mylar copy of the final site plan, as approved by the Planning Commission at Final Hearing, and reflecting any changes required. The name of the architect, and signature block signed by the property owner of record or agent with power of attorney shall appear on the mylar.
21. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

22. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
23. **Applicant shall work with Town staff prior to the installation of any landscaping to field locate trees to provide the most effective screening from the McCain property, Highway 9 and Coyne Valley Road.**
24. **Applicant shall execute and post with the Town a cash in lieu agreement in a form acceptable to the Town Attorney, requiring any landscape in the approved landscape plan which is not planted at time of the issuance of a Certificate of Occupancy to be installed by a date certain.**
25. Applicant shall paint all flashing, vents, flues, rooftop mechanical equipment and utility boxes on the building a flat, dark color or to match the building color.
26. Applicant shall screen all utilities.
27. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
28. **Applicant shall submit and record easements for all utilities in a location and form acceptable by the Town.**
29. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.

30. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations.
31. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
32. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.

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(Initial Here)





PROJECT NAME:	MCCAIN COMMUNITY SOLAR ARRAY
PROJECT ADDRESS:	12920 Highway 9 Breckenridge, CO 80424
PERMIT #:	

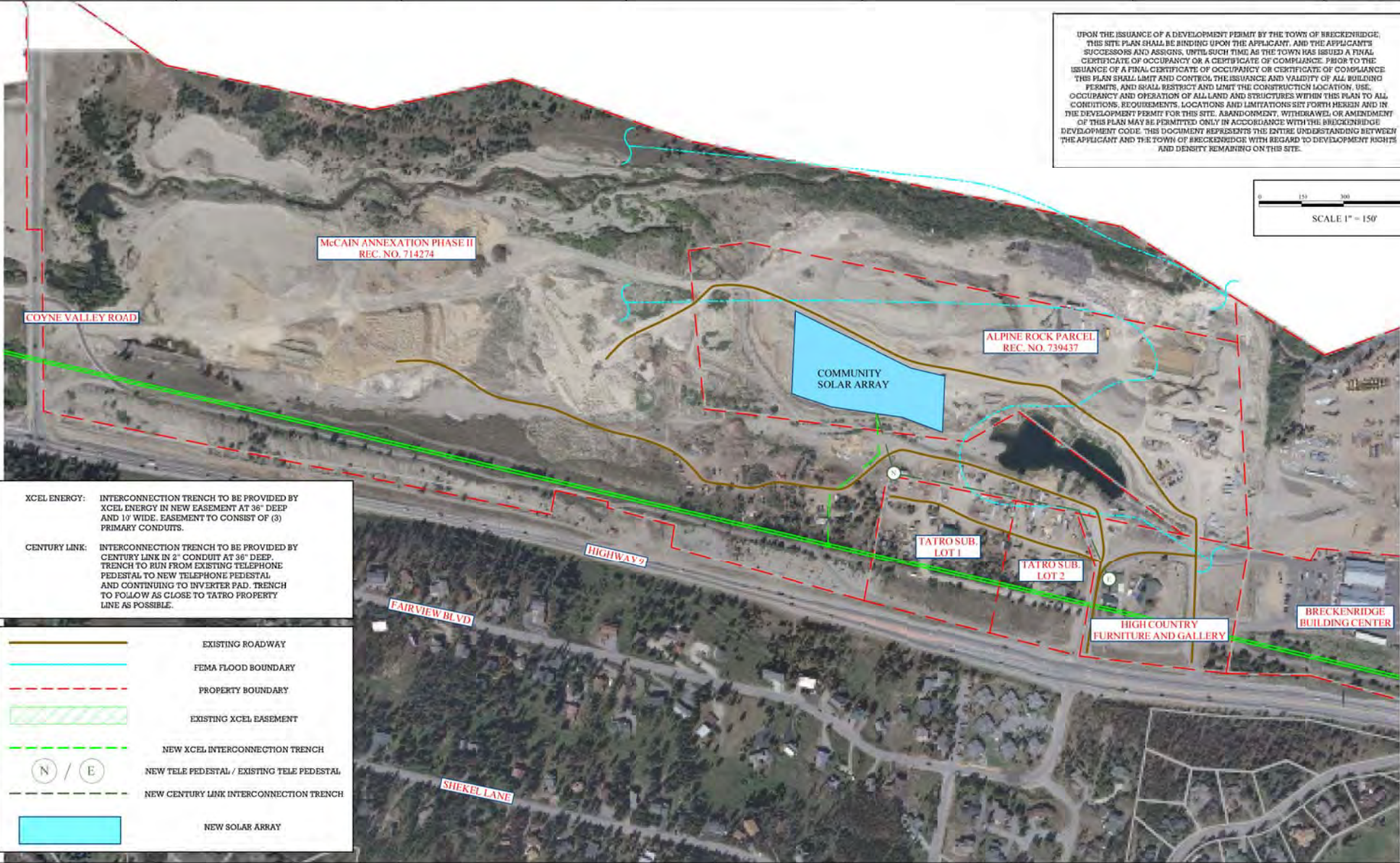
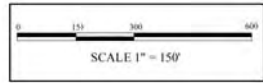
NO.	ISSUE	DATE
1	PLANNING PERMIT SUBMITTAL	3.26.2013
2	CLASS B MINOR REVISION	4.26.2013

PROJECT NUMBER:	
DRAWN BY:	Jared Marchand
REVIEWED BY:	Richard Miller

PROPERTY  
BOUNDARIES

PV - C1.01

UPON THE ISSUANCE OF A DEVELOPMENT PERMIT BY THE TOWN OF BRECKENRIDGE, THIS SITE PLAN SHALL BE BINDING UPON THE APPLICANT, AND THE APPLICANT'S SUCCESSORS AND ASSIGNS, UNTIL SUCH TIME AS THE TOWN HAS ISSUED A FINAL CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE THIS PLAN SHALL LIMIT AND CONTROL THE ISSUANCE AND VALIDITY OF ALL BUILDING PERMITS, AND SHALL RESTRICT AND LIMIT THE CONSTRUCTION LOCATION, USE, OCCUPANCY AND OPERATION OF ALL LAND AND STRUCTURES WITHIN THIS PLAN TO ALL CONDITIONS, REQUIREMENTS, LOCATIONS AND LIMITATIONS SET FORTH HEREIN AND IN THE DEVELOPMENT PERMIT FOR THIS SITE. ABANDONMENT, WITHDRAWAL OR AMENDMENT OF THIS PLAN MAY BE PERMITTED ONLY IN ACCORDANCE WITH THE BRECKENRIDGE DEVELOPMENT CODE. THIS DOCUMENT REPRESENTS THE ENTIRE UNDERSTANDING BETWEEN THE APPLICANT AND THE TOWN OF BRECKENRIDGE WITH REGARD TO DEVELOPMENT RIGHTS AND DENSITY REMAINING ON THIS SITE.



**INTERCONNECTION TRENCH DETAILS**

XCEL ENERGY: INTERCONNECTION TRENCH TO BE PROVIDED BY XCEL ENERGY IN NEW EASEMENT AT 36" DEEP AND 18" WIDE. EASEMENT TO CONSIST OF (3) PRIMARY CONDUITS.

CENTURY LINK: INTERCONNECTION TRENCH TO BE PROVIDED BY CENTURY LINK IN 2" CONDUIT AT 36" DEEP. TRENCH TO RUN FROM EXISTING TELEPHONE PEDESTAL TO NEW TELEPHONE PEDESTAL AND CONTINUING TO INVERTER PAD. TRENCH TO FOLLOW AS CLOSE TO TATRO PROPERTY LINE AS POSSIBLE.

**SYMBOLS LEGEND**

	EXISTING ROADWAY
	FEMA FLOOD BOUNDARY
	PROPERTY BOUNDARY
	EXISTING XCEL EASEMENT
	NEW XCEL INTERCONNECTION TRENCH
	NEW TELE PEDESTAL / EXISTING TELE PEDESTAL
	NEW CENTURY LINK INTERCONNECTION TRENCH
	NEW SOLAR ARRAY

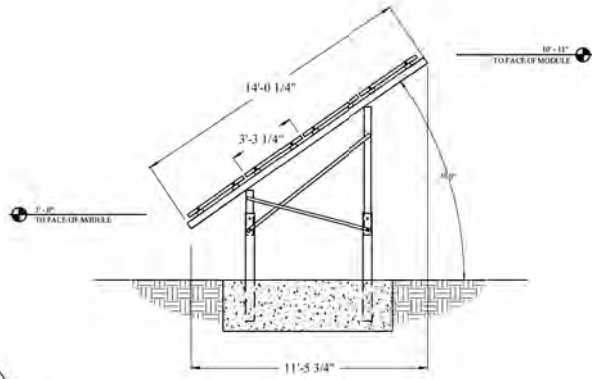




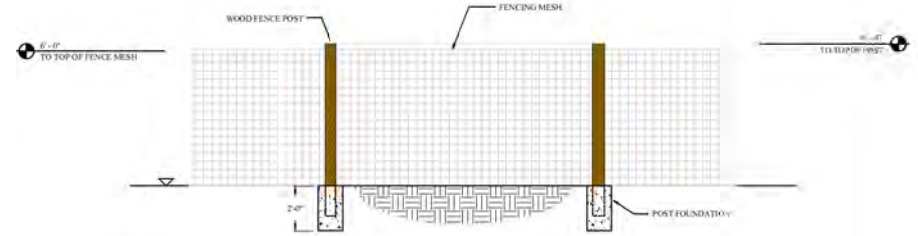
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PROJECT ADDRESS:	12920 Highway 9 Breckenridge, CO 80424	1	PLANNING PERMIT SUBMITTAL	3.26.2013	DRAWN BY:	Jared Marchand
PERMIT #:		2	CLASS B MINOR REVISION	4.26.2013	REVIEWED BY:	Richard Miller

EQUIPMENT ELEVATIONS

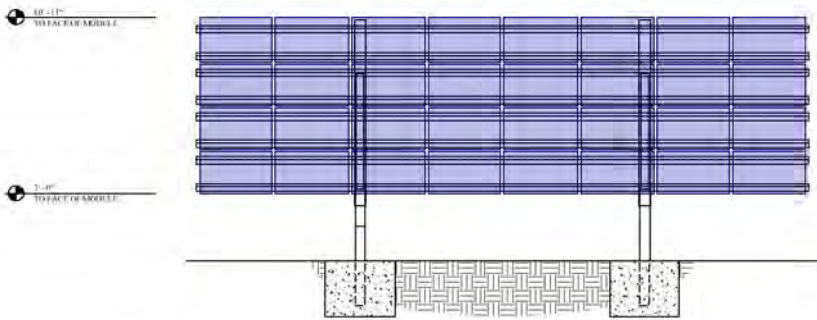
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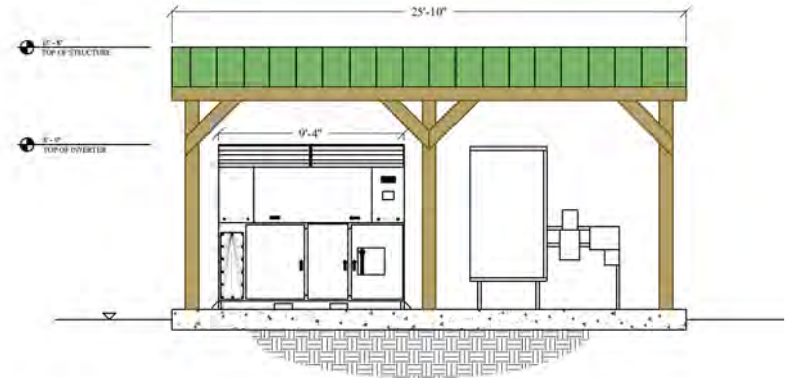
1  
PV-A1.01 ARRAY PROFILE ELEVATION



3  
PV-A1.01 GAME FENCE DETAIL ELEVATION



2  
PV-A1.01 ARRAY ELEVATION



4  
PV-A1.01 INVERTER & SWITCHGEAR SHED ELEVATION





PROJECT NAME:	MCCAIN COMMUNITY SOLAR ARRAY	NO.	ISSUE	DATE	PROJECT NUMBER:
PROJECT ADDRESS:	12920 Highway 9 Breckenridge, CO 80424	1	PLANNING PERMIT SUBMITTAL	3.26.2013	DRAWN BY: Jared Marchand
PERMIT #:		2	CLASS B MINOR REVISION	4.26.2013	REVIEWED BY: Richard Miller

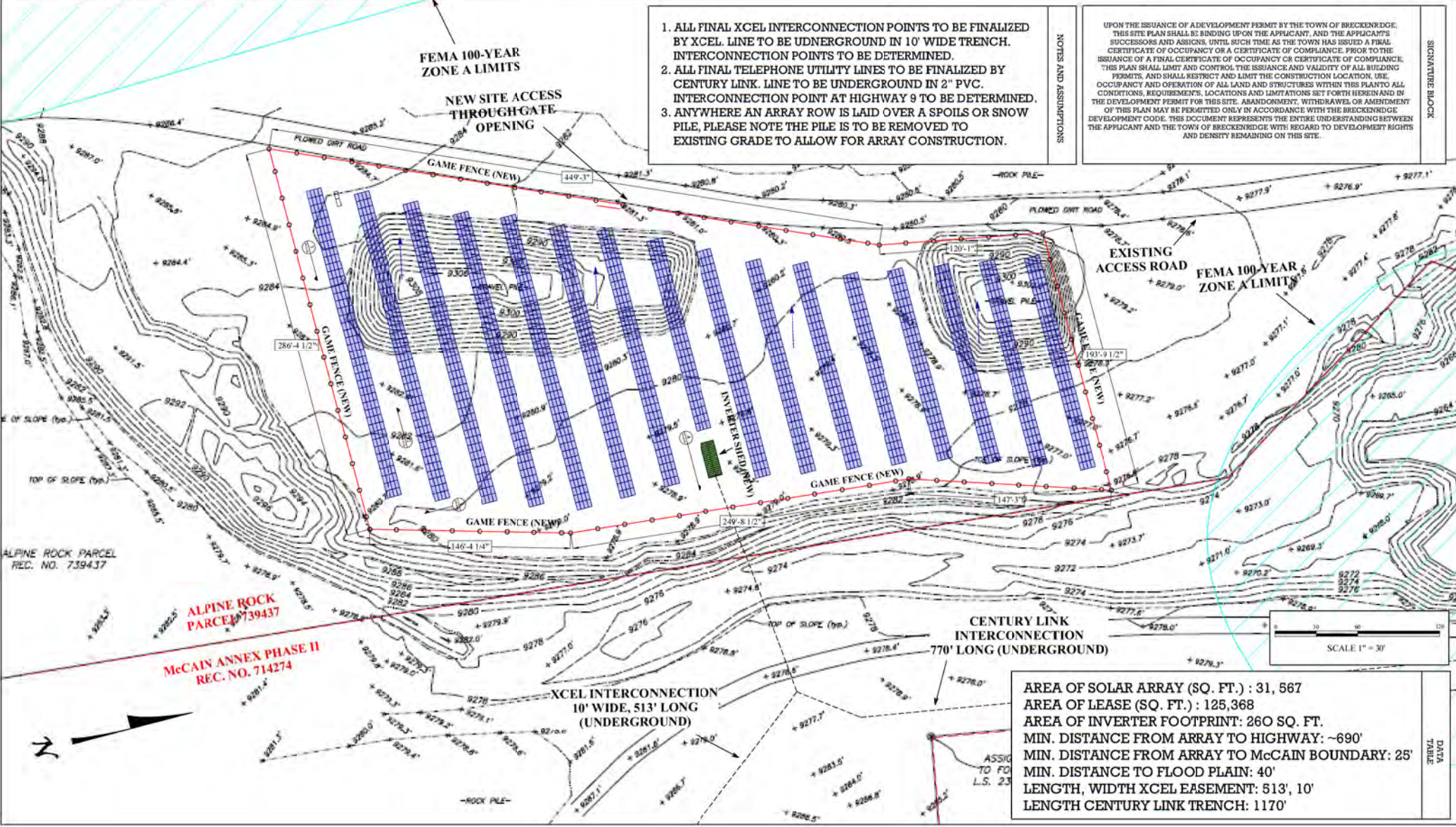
EXISTING GRADE  
TOPO SITE PLAN

PV - C1.03

- NOTES AND ASSUMPTIONS**
1. ALL FINAL XCEL INTERCONNECTION POINTS TO BE FINALIZED BY XCEL. LINE TO BE UNDERGROUND IN 10' WIDE TRENCH. INTERCONNECTION POINTS TO BE DETERMINED.
  2. ALL FINAL TELEPHONE UTILITY LINES TO BE FINALIZED BY CENTURY LINK. LINE TO BE UNDERGROUND IN 2" PVC. INTERCONNECTION POINT AT HIGHWAY 9 TO BE DETERMINED.
  3. ANYWHERE AN ARRAY ROW IS LAID OVER A SPOILS OR SNOW PILE, PLEASE NOTE THE PILE IS TO BE REMOVED TO EXISTING GRADE TO ALLOW FOR ARRAY CONSTRUCTION.

**SIGNATURE BLOCK**

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**DATA TABLE**

AREA OF SOLAR ARRAY (SQ. FT.)	: 31,567
AREA OF LEASE (SQ. FT.)	: 125,368
AREA OF INVERTER FOOTPRINT	: 260 SQ. FT.
MIN. DISTANCE FROM ARRAY TO HIGHWAY	: ~690'
MIN. DISTANCE FROM ARRAY TO MCCAIN BOUNDARY	: 25'
MIN. DISTANCE TO FLOOD PLAIN	: 40'
LENGTH, WIDTH XCEL EASEMENT	: 513', 10'
LENGTH CENTURY LINK TRENCH	: 1170'





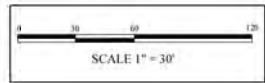
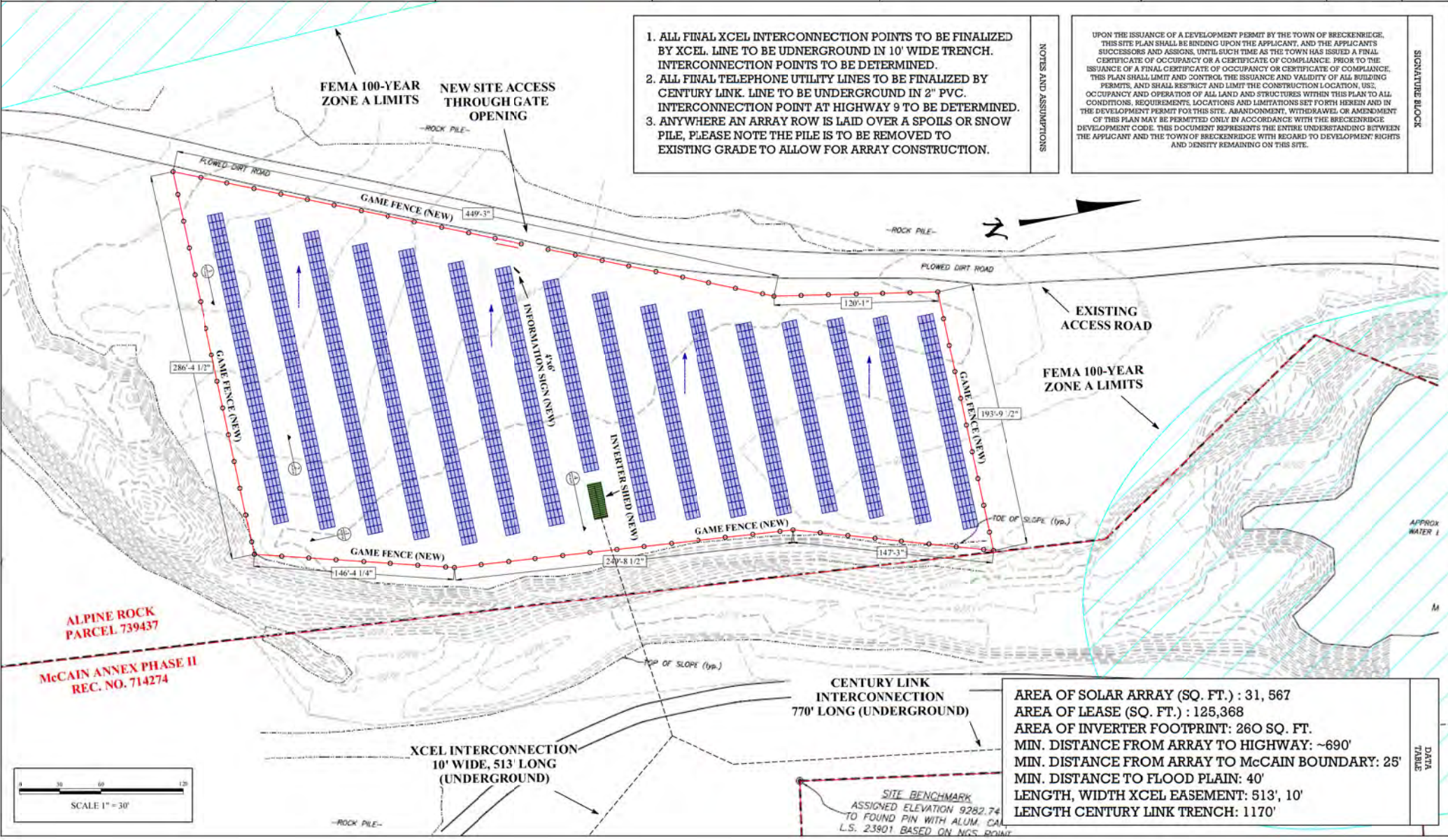
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PROJECT ADDRESS:	12920 Highway 9 Breckenridge, CO 80424	1	PLANNING PERMIT SUBMITTAL	3.26.2013	DRAWN BY:	Jared Marchand
PERMIT #:		2	CLASS B MINOR REVISION	4.26.2013	REVIEWED BY:	Richard Miller

FINISHED GRADE  
TOPO SITE PLAN  
  
PV - C1.04

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PERMIT #:	

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2	CLASS B MINOR REVISION	4.26.2013

PROJECT NUMBER:	
DRAWN BY:	Jared Marchand
REVIEWED BY:	Richard Miller

AERIAL SITE PLAN

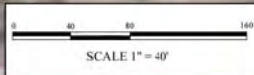
PV - C1.05

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ALPINE ROCK PARCEL  
REC. NO. 739437

MCCAIN ANNEX PHASE II  
REC. NO. 714274

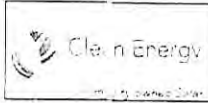
SIGNATURE BLOCK

DATA TABLE





INNOVATIVE ENERGY



REC

PROJECT NAME: MCCAIN COMMUNITY SOLAR ARRAY

PROJECT ADDRESS: 12920 Highway 9 Breckenridge, CO 80424

PERMIT #:

NO.	ISSUE	DATE
1	PLANNING PERMIT SUBMITTAL	3.26.2013
2	CLASS I MINOR REVISION	4.26.2013
3	CLASS II FINAL	8.22.2013

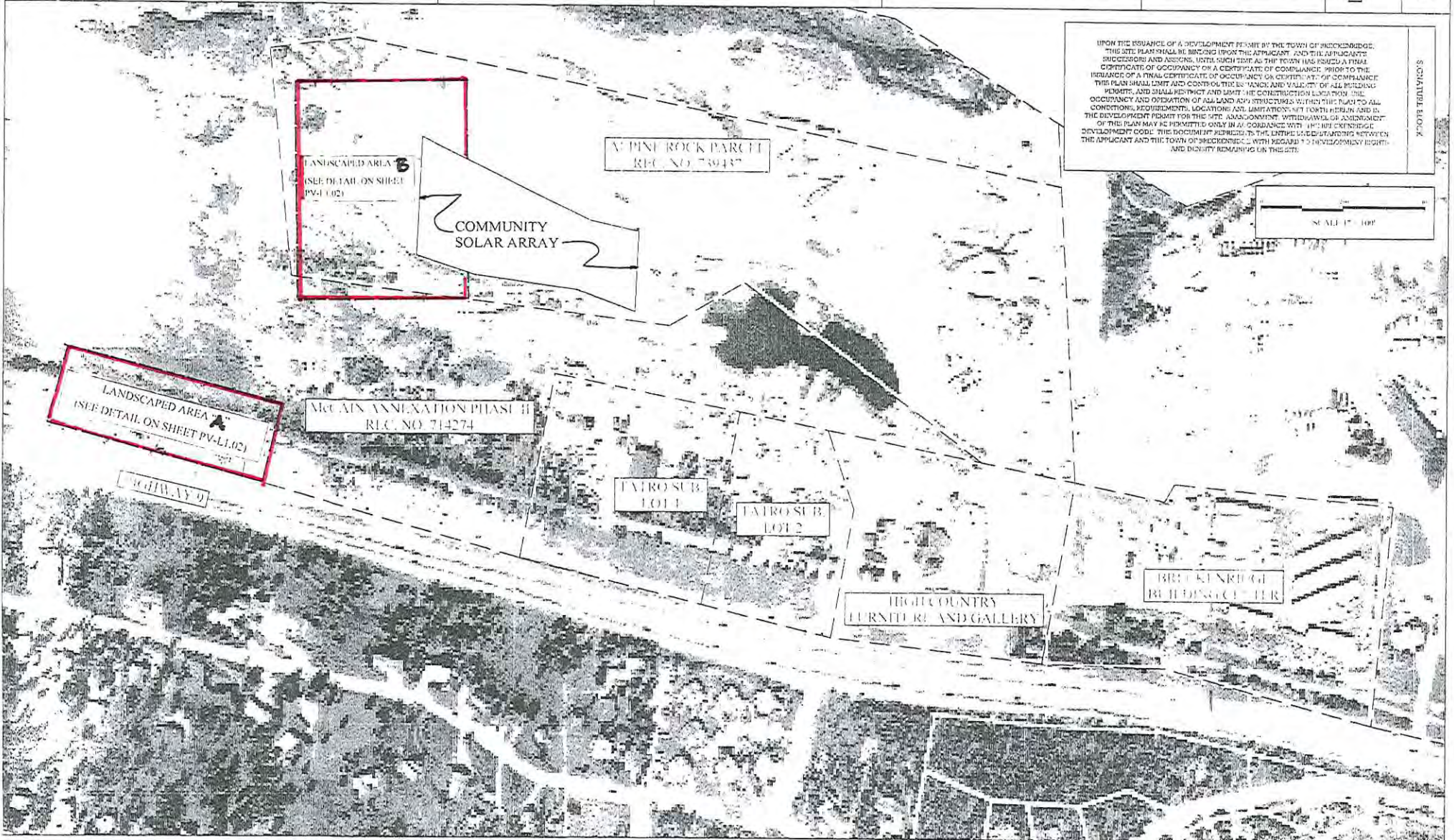
PROJECT NUMBER

DRAWN BY: Janet Marford

REVIEWED BY: Richard Miller

LANDSCAPE PLAN

PV - L1.01



LANDSCAPE PLAN AREA MAP - AREA A & AREA B





**REC**

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 PROJECT ADDRESS: 12920 Highway 9 Breckenridge, CO 80424  
 PERMIT #:

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1	PLANNING PERMIT SUBMITTAL	3.26.2013
2	CLASS B MINOR REVISION	4.26.2013
3	CLASS B FINAL	5.22.2013

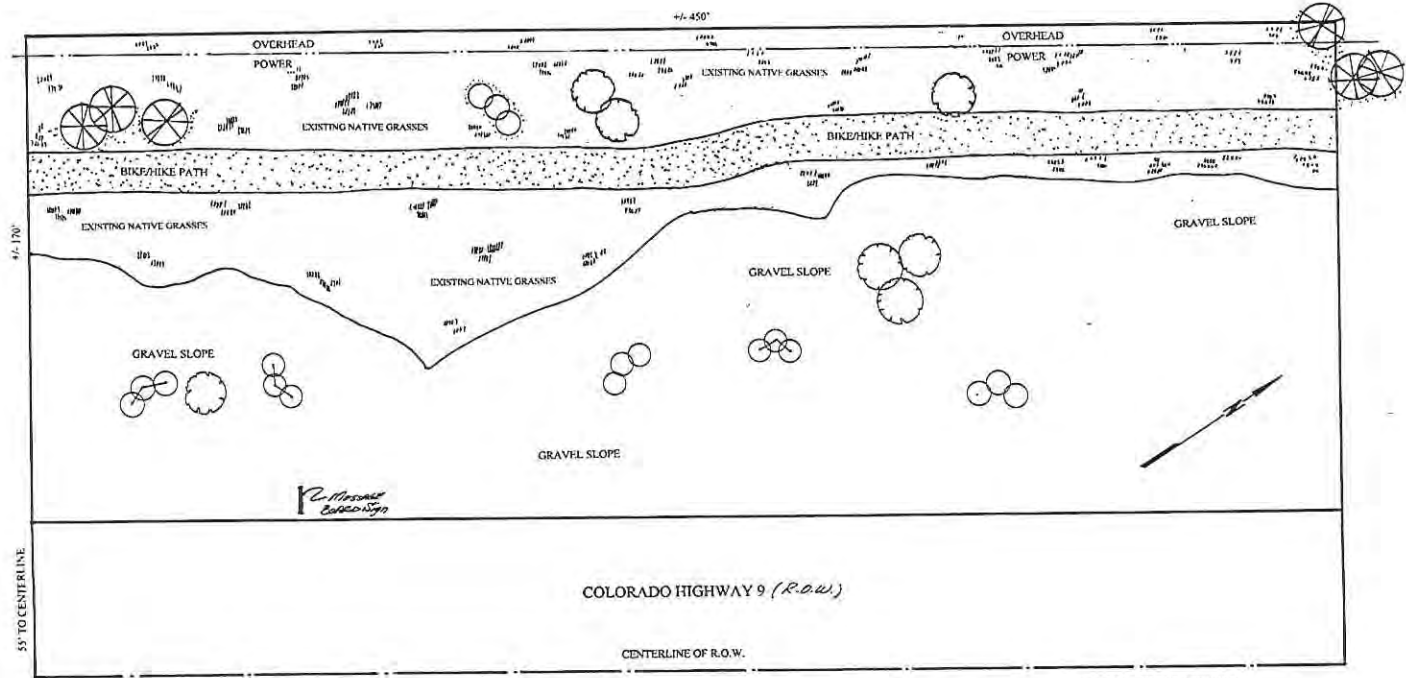
PROJECT NUMBER:  
 DRAWN BY: Jared Marchand  
 REVIEWED BY: Richard Miller

LANDSCAPE PLAN

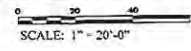
PV - L1.02

UPON THE ISSUANCE OF A DEVELOPMENT PERMIT BY THE TOWN OF BRECKENRIDGE, THIS SITE PLAN SHALL BE BINDING UPON THE APPLICANT, AND THE APPLICANT'S SUCCESSORS AND ASSIGNS, UNTIL SUCH TIME AS THE TOWN HAS ISSUED A FINAL CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLIANCE, THIS PLAN SHALL LIMIT AND CONTROL THE ISSUANCE AND VALIDITY OF ALL BUILDING PERMITS, AND SHALL RESTRICT AND LIMIT THE CONSTRUCTION LOCATION, USE, OCCUPANCY AND OPERATION OF ALL LAND AND STRUCTURES WITHIN THE PLAN TO ALL CONDITIONS, REQUIREMENTS, LOCATIONS AND LIMITATIONS SET FORTH HEREIN AND IN THE DEVELOPMENT PERMIT FOR THE SITE. ABANDONMENT, WITHDRAWAL OR AMENDMENT OF THE PLAN MAY BE PERMITTED ONLY IN ACCORDANCE WITH THE BRECKENRIDGE DEVELOPMENT CODE. THIS DOCUMENT REPRESENTS THE ENTIRE UNDERSTANDING BETWEEN THE APPLICANT AND THE TOWN OF BRECKENRIDGE WITH REGARD TO DEVELOPMENT RIGHTS AND DENSITY REMAINING ON THIS SITE.

SIGNATURE BLOCK



**LANDSCAPED AREA "A"**



**PLANT MATERIAL LEGEND**

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE PLANTING MATERIAL	NUMBER	HOW TRANSPLANTED
	Picea pungens	Blue Spruce	6" x 50"	7	Balled & Burlapped
	Pinus contorta	Lodgepole Pine	6" x 60"	9	Balled & Burlapped
	Populus tremuloides	Quaking Aspen	1 1/2" x 30"	9	Balled & Burlapped
	Existing Trees				

TIE INTO EXISTING 2" IRRIGATION LINE & EXTEND DRIP LINE TO NEW PLANTINGS





**REC**

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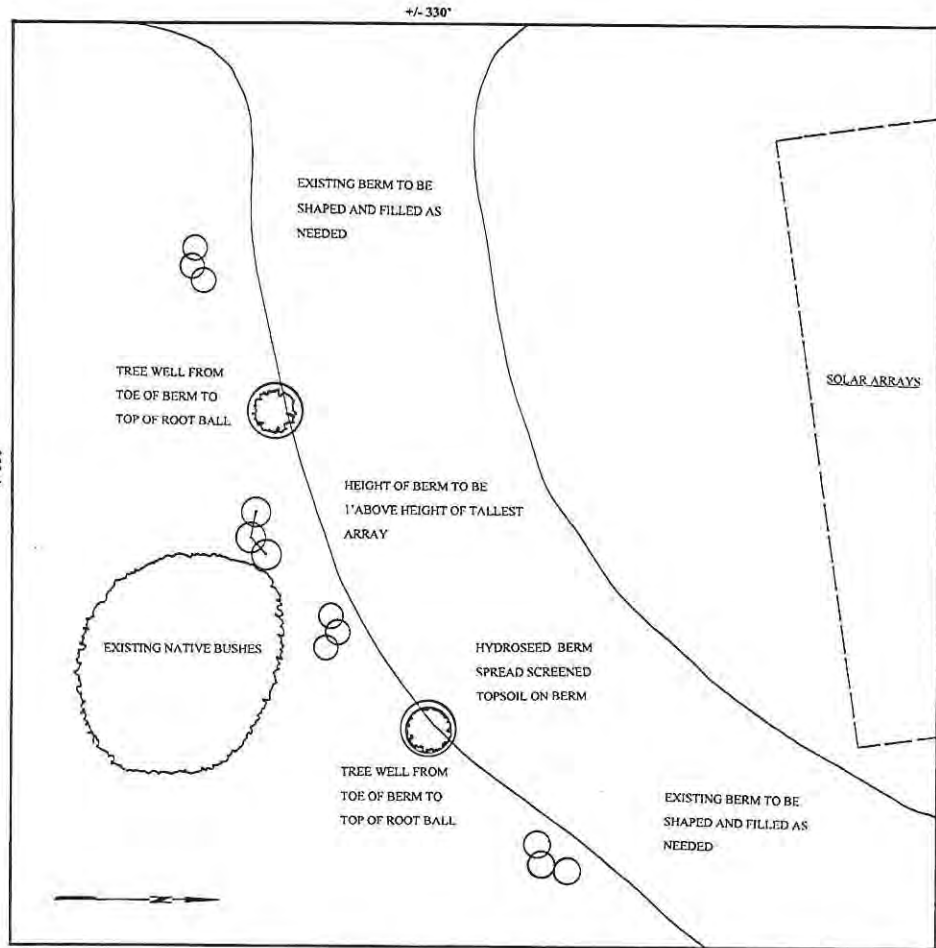
PROJECT NUMBER:  
 DRAWN BY: Jared Marchand  
 REVIEWED BY: Richard Miller

LANDSCAPE PLAN

PV - L1.03

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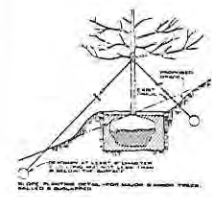
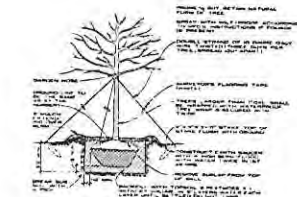


LANDSCAPED AREA "B"

SCALE: 1" = 20'-0"

PLANT MATERIAL LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE PLANTING DIMENSION	NUMBER	IRRX HEADPLANTED
	<i>Picea pungens</i>	Blue Spruce	6' / 50'	2	Balled & Burlapped
	<i>Pinus contorta latifolia</i>	Lodgepole Pine	6' / 60'	9	Balled & Burlapped
	<i>Populus tremuloides</i>	Douglas Aspen	1'-2' / 60'	3	Balled & Burlapped



TIE INTO EXISTING 2" IRRIGATION LINE & EXTEND DRIP LINE TO NEW PLANTINGS





INNOVATIVE ENERGY



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1	PLANNING PERMIT SUBMITTAL	3.26.2013
2	CLASS B MINOR REVISION	4.26.2013

PROJECT NUMBER:

DRAWN BY: Jared Marchand

REVIEWED BY: Richard Milley

VISIBILITY REFERENCE

PV - V1.01



PHOTOS A-M DIRECTIONAL VISIBILITY REFERENCE





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PROJECT NUMBER:

DRAWN BY: Jared Marchand

REVIEWED BY: Richard Miller

PHOTO A

PV - V1.02

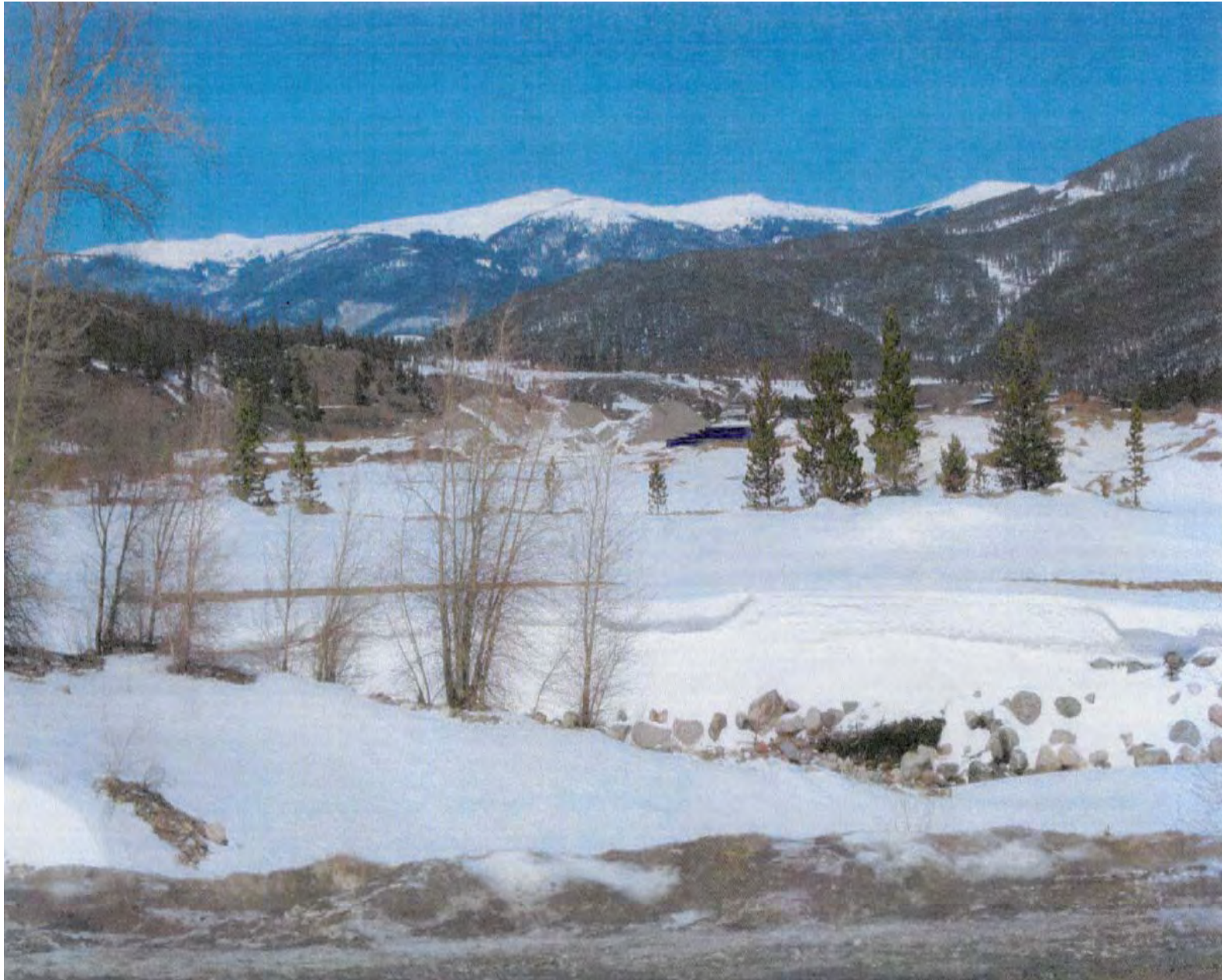


PHOTO A





INNOVATIVE ENERGY



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PROJECT NUMBER:

DRAWN BY: Jared Marchand

REVIEWED BY: Richard Miller

PHOTO B

PV - V1.03



PHOTO B  
TOP OF ARRAY  
VISIBLE



INNOVATIVE ENERGY



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PROJECT NUMBER:

DRAWN BY: Jared Marchant

REVIEWED BY: Richard Miller

PHOTO C

PV - V1.04



PHOTO C  
TOP OF ARRAY  
VISIBLE,  
MOSTLY  
OBSTRUCTED





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PROJECT NUMBER:

DRAWN BY: Jared Marchant

REVIEWED BY: Richard Miller

PHOTO D

PV - V1.05

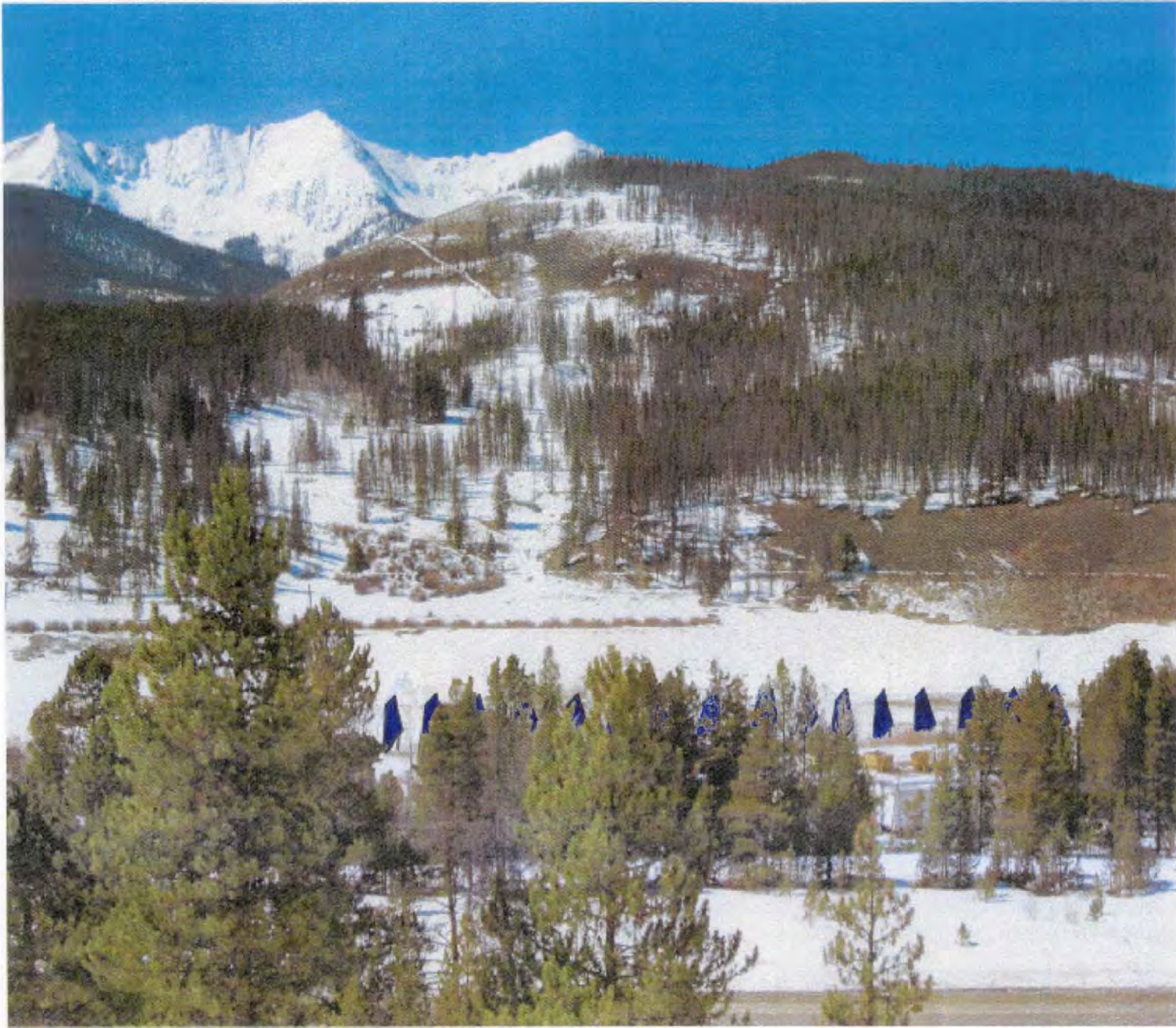


PHOTO D





INNOVATIVE ENERGY



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PROJECT NUMBER:

DRAWN BY: Jared Marchant

REVIEWED BY: Richard Miller

PHOTO E

PV - V1.06



PHOTO E  
FRONT OF ARRAY  
VISIBLE





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PROJECT NUMBER:

DRAWN BY: Jared Marchant

REVIEWED BY: Richard Miller

PHOTO F

PV - V1.07



PHOTO F  
SIDE OF ARRAY  
VISIBLE





INNOVATIVE ENERGY



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PROJECT NUMBER:

DRAWN BY: Jared Marchildon

REVIEWED BY: Richard Miller

PHOTO G

PV - V1.08



PHOTO G  
SIDE OF ARRAY  
VISIBLE,  
MOSTLY  
OBSTRUCTED





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PROJECT NUMBER:

DRAWN BY: Jared Marchand

REVIEWED BY: Richard Miller

PHOTO H

PV - V1.09



PHOTO H  
ARRAY NOT VISIBLE





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PROJECT NUMBER:

DRAWN BY: Jared Marchand

REVIEWED BY: Richard Miller

PHOTO 1

PV - V1.10



PHOTO 1  
ARRAY NOT VISIBLE





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PROJECT NUMBER:

DRAWN BY: Jared Marchant

REVIEWED BY: Richard Miller

PHOTO J

PV - V1.11



PHOTO J  
ARRAY NOT VISIBLE





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PROJECT NUMBER:	
DRAWN BY:	Jared Marchildon
REVIEWED BY:	Richard Miller

PHOTO K

PV - V1.12



PHOTO K

ARRAY NOT  
VISIBLE





INNOVATIVE ENERGY



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PROJECT NUMBER:

DRAWN BY: Jared Marchand

REVIEWED BY: Richard Milly

PHOTO L

PV - V1.13



PHOTO L

ARRAY NOT VISIBLE





INNOVATIVE ENERGY



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PROJECT NUMBER:

DRAWN BY: Jared Marchand

REVIEWED BY: Richard Millyer

PHOTO M

PV - V1.14



PHOTO M

FRONT OF  
ARRAY  
VISIBLE



## Planning Commission Staff Report

**Subject:** Hermanson Residence (Class B Major, Preliminary Hearing; PC#2013043)

**Proposal:** A new 4,195 sq. ft. single family residence including: 4 bedrooms, 4 ½ baths, a 575 sq. ft. accessory apartment below ground, two gas fireplaces, with 4 ½” reveal horizontal cedar siding and 1’x 6’ smooth four sides vertical square edge tongue and groove cedar siding, with a dark grayish 40-year asphalt shingle roof with corrugated metal on the low roofs. A material and color board has been included in your packet.

**Date:** May 22, 2013 (For meeting of June 4, 2013)

**Project Manager:** Matt Thompson, AICP

**Applicant/Owner:** George and Patricia Hermanson

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

**Address:** 114 N. Ridge Street

**Legal Description:** Lot 3B, Abbett Addition

**Site Area:** 0.15 acres (6,478 sq. ft.)

**Land Use District:** 18.2; Commercial 1:1 (FAR); Residential 20 (UPA)

**Historic District:** (2) North End Residential

**Site Conditions:** The west portion of the lot gently slopes uphill at 5% to a flat benched area of approximately 50’ then slopes downhill at 5% towards French Street. There are five existing lodgepole pine trees on the lot and three of them will be retained for this project. There are also a few small diameter pine trees that will be also retained in the front yard area. There is an existing stone retaining wall along Ridge Street and Wellington Road. There are no existing platted easements on the property.

**Adjacent Uses:** North: Mixed use building  
South: Commercial building  
West: Edwin Carter Museum  
East: Residential

**Density:** Allowed under LUGs: 4,759 sq. ft.  
Proposed density: 3,678 sq. ft.

**Above ground Density:** Allowed (9 UPA): 2,141 sq. ft. (Recommended)  
Proposed: 2,033 sq. ft. (8.54 UPA)

**Mass:** Allowed under LUGs: 5,711 sq. ft.  
Proposed mass: 2,537 sq. ft.

<b>Total:</b>	Lower Level: (incl. 588 SF accessory apartment)	1,645 sq. ft.
	Main Level:	1,085 sq. ft.
	Upper Level:	948 sq. ft.
	<u>Garage:</u>	<u>517 sq. ft.</u>
	Total	4,195 sq. ft.
<b>Height:</b>	Recommended:	23' (mean)
	Proposed:	22' - 4" (mean)
<b>Lot Coverage:</b>	Building / non-Permeable:	2,149 sq. ft. (33% of site)
	Hard Surface / non-Permeable:	994 sq. ft. (15% of site)
	Open Space / Permeable Area:	3,317 sq. ft. (52% of site)
<b>Parking:</b>	Required:	3 spaces
	Proposed:	3 spaces
<b>Snowstack:</b>	Required:	249 sq. ft. (25%)
	Proposed:	251 sq. ft. (25%)
<b>Setbacks:</b>	Front:	43 ft.
	Sides:	5 ft.
	Rear:	13 ft.

### Item History

In October of 2009, the Planning Commission and Town Council approved an 8,174 sq. ft. single family residence (PC#2008076) with an accessory apartment. In April of 2012, the Planning Commission and Town Council approved a three year extension (PC#2012017) of this original development permit.

In January of 2013, the Hermanson's purchased the property. On April 23, 2013 the Town Council approved a subdivision of the property creating two 50' wide lots for two future single-family residences.

### Staff Comments

**Density/Intensity (3/A & 3/R)/Mass (4/R):** The total allowable residential density for the property including above and below ground is 4,759 sq. ft. The applicant's proposal comes in under that number at 4,195 sq. ft. The Development Code allows for mass to be another 20% larger than the total residential density number, in this case 5,711 sq. ft. The proposal is for 2,537 sq. ft. of total mass, hence well within the allowable range.

The amount of density and mass is appropriate for the North End Residential Character Area. Staff has no concerns with the density and mass proposed for this project.

**Architectural Compatibility (5/A & 5/R):** *Within the conservation district, which area contains the historic district, compatibility of a proposed project with the surrounding area and the district as a whole is of the highest priority.*

### **Above Ground Density**

Per Policy 5/A, C., (2) A. Aboveground Density in the Historic District: *Within the east side residential, north end residential, and the North Main Street residential character areas, a maximum of 9.0 units per acre for aboveground density for new construction is allowed, except for those developments described in subsection C(2)B of this policy. Projects within such areas which contain 9.01 units per acre, or more, of aboveground density shall be deemed to have failed this policy for failing to meet a priority policy.*

The allowable aboveground density on this lot is 2,141 sq. ft. The applicant proposal of 2,033 sq. ft. (8.54 UPA) is less than 9 UPA. Staff has no concerns with the above ground density proposed.

### **Building Scale**

Per the North End Residential Character Area standards:

*Policy:*

*Historically, residential structures in the area were one or one-and-a-half stories in height. New buildings should encourage a sense of pedestrian scale for the area as well as reinforce the historic building scale. The scale of the building should also be in proportion to typical lot sizes.*

*Historic buildings that survive range between 700 and 2,900 square feet. The average size is 1,500 square feet.*

*Priority Policy 138. New buildings should be in scale with existing historic and supporting buildings in the North End.*

- *Development densities of less than nine units per acre are recommended.*
- *Locating some building below grade to minimize the mass of the structures is encouraged.*
- *Locate larger masses back from public view.*
- *Use landscaping, especially large trees, to screen larger building masses.*

The west module is 1,455 sq. ft. The East module is designed at 843 sq. ft. The connector element is 252 sq. ft. All the module sizes are under the historic average for the neighborhood. Staff has no concerns with the scale of the residence.

### **Connectors**

Per the general standards for all new construction projects in the Historic District:

*Policy: The design standards stipulate that larger masses should be divided into smaller “modules” and linked with a “connector” that is subordinate to the larger masses.*

*Design Standard: (Staff comments follow each section in regular type.)*

**Priority Policy 80A.** *Use connectors to link smaller modules and for new additions to historic structures.*

- ***The width of the connector should not exceed two-thirds the façade of the smaller of the two modules that are to be linked.*** The proposal meets this requirement, the width of the connector does not exceed two-thirds the façade of the east module.
- ***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.*** The structure meets this requirement by stepping in four feet on the north elevation and twelve feet on the south elevation.
- ***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.*** The height of the connector is approximately four feet lower than the principal mass; hence this policy is being met.

## **Architecture**

The home is designed with a main gable with a 50-year asphalt composition shingles (11:12 pitch) facing Ridge Street and French Street, and other gables facing north/south, with corrugated metal proposed over the porch and other shed roofs with a 4.5/12 pitch. There is a small portion copper roof over the bay window facing Ridge Street. There is a porch on the front and south side of the home. The garage is attached to the main residence with a smaller link. The garage and the home simulate historic forms, but incorporate a bit more complexity than typical for a historic house. The windows proposed are simple, vertically oriented double hung windows (2 over 2).

The elevations show curved corbels designed under the roof overhang and above the front door to the residence. Staff does not believe these were used historically. Decorative brackets were used to support overhanging cornices, but they were not curved. Per Policy 93 of the Historic District Standards: *Avoid the use of non-functional or ornamental brick-a-brac that is out of character with the area.*

The garage is proposed to have vertical random (6", 8", 10" random width) shiplap cedar wire brushed, burned and stained (charcoal gray in color). A natural stone chimney is proposed coming out of the roof on the north side of the home, and a natural stone (moss stone or farmer stone) is proposed on the lower section of the connector element. 4 ½" reveal horizontal siding is proposed for some of the siding. However, 1x6 smooth four sides square edge tongue and groove vertical siding is also proposed on the primary living module of the house. Staff does have some concern with the proposed vertical siding on the primary living module and the use of curved brackets or corbels

Per the North End Residential Character Area:

## **Building Materials**

*Policy:*

*The historic district should be perceived as a collection of wooden structures. A strong uniformity in building materials is seen in the area. Most structures, both historic and more contemporary, have **horizontal lap siding**. This material is usually painted. A few historic log buildings serve as accents to the lap siding standard. This uniformity of materials should be respected. (Highlight added.)*

Per Priority Policy 145 from the Handbook of Design Standards For The Historic And Conservation Districts: *maintain the present balance of building materials found in the Character Area.* Policy 145 goes on to state: *use painted wood lap siding as the primary building material. An exposed lap dimension of*

*approximately 4 inches in appropriate. This helps establish a sense of scale for buildings similar to that found historically. Logs are discouraged. Rough-sawn, stained or unfinished siding materials are inappropriate on primary structures.*

Staff believes that the vertical siding proposed on the primary living module of the house is not appropriate, considering the Historic District language noted above. We believe it is appropriate on the garage module, which is similar to a historic barn building. However, it should not be used on the west module north elevation first floor or the south elevation second floor. The primary building material should be approximately 4" reveal painted horizontal lap siding. Does the Planning Commission agree with Staff interpretation of Priority Policy 145?

**Ridgeline and Hillside Development (8/A):** *The welfare of the town is based to a great extent on the natural beauty of the valley and the scenic backdrop created by forested hillsides and other natural features. Because of the importance of aesthetics to the economic viability of the Town, views are crucial and must be preserved.*

The property does sit on a ridge, hence the naming of Ridge Street. The drawings show a good job of pushing the structure back so that there is a large front yard along Ridge Street. There is no need for a long driveway. There is no unnecessary cut or fill for the project. Based on this policy, the elevations should use non-reflective glass on the house. *Buildings and roofs shall be a dark natural color to effectively blend the building with the backdrop.* Staff has some concerns with the color of the building as it is proposed with yellow and off white. The roof is a dark color and will not be shiny, hence will blend in well with the trees behind the property.

Staff believes the applicant may need to change the proposed color of the house to a darker color.

**Placement Of Structures (9/A & 9/R):** The Development Code requires the following relative setbacks within the Conservation District (All Residential Development):

- a. Front yard: Fifteen feet (15')
- b. #1 Side yard: Five feet (5')
- c. Rear yard: Fifteen feet (15')

The drawings show the building well within the front yard setback at 43'. Side yard setbacks are met at 5'. The rear setback of 15' is not being met, as the roof over the stairs is 13' from the rear property line. Hence, the application will incur negative three (-3) points for not meeting one of the relative setbacks.

Per the Historic District general guidelines:

*Priority Policy 89. Maintain the established historic set-back dimensions in new construction.*

- *In some areas, the setbacks will be uniform and buildings will be perceived to align along the block. In such cases, this alignment should be reinforced with new development.*
- *In other areas, historic setbacks may vary within an established range. In these cases, new building setbacks should also fit within this range.*

Per the North End Residential Historic District Guidelines:

*Priority Policy 134. Provide substantial front and side yards.*

- *This is a very important standard.*

- *Align building fronts with other historic buildings in the area.*
- *The North End area setbacks occur as front and side yards rather than extensive hard-surface areas.*
- *Setbacks shall be reviewed on an individual basis. New buildings in these areas should be set back in line with traditional house types.*

This Character Area does have variation in the front setbacks. While the buildings to the south are both set at 51' off of the property line with Ridge Street, there are not other historic structures in this character area that are setback all the way to 51'. Staff does believe the 43' front setback is "in line with traditional house types".

*Per the North End Residential Area: A ridge, from which Ridge Street derives its name, defines the western edge of this character area. The land drops to the west away from Ridge Street. Buildings appear smaller along Ridge Street, whereas their full height is seen from Main Street below. Many homes have been built along the edge of this ridge, with their rear facades rising up to four stories. Presently, many of these are visible from Main Street.*

*The angled street grid layout has influenced the character of this area also: Because Ridge and French Streets converge at the northern end of this area, the block north of Wellington between Ridge and French is only one lot deep. The result is that the primary structures in this block face onto Ridge, while the back sides of the buildings face onto French Street. This configuration gives the appearance more like that of an alley than a traditional street.*

The above information is important to note because this property and the lot next door are very unique in Breckenridge. The drawings show the house back 43' feet off of Ridge Street creating a large front yard. Also, this house will not have a facade rising up four stories facing Main Street as described above. Staff does believe that the setbacks are in the historic range, hence has no concerns with the setbacks.

**Parking (18/A & 18/R):** The two-car garage is designed for rear access from French Street. Not accessing the parking across the front yard is recommended in the Handbook of Design Standards for the Historic District. Furthermore, Policy 18/R encourages the placement and screening of all off street parking areas from public view. Hence, Staff believes that by placing two of the three parking spaces in the garage and the third space (required for the accessory apartment) screened by landscaping in the rear of the property warrants two positive (+2) points. Does the Commission concur?

**Landscaping (22/A & 22/R):** Landscaping shall be used to provide a separation of uses and to create buffers for the enhancement of privacy. *These requirements shall be met through existing vegetation, or with new landscaping providing adequate screening of the property as provided in this policy. The individual character of each neighborhood shall be considered by the planning commission in determining compliance with this requirement.*

The property has five existing lodgepole pine trees over 6" in diameter. Three of the five trees will be retained during construction of the house (two of the trees are in the proposed footprint of the house). There are also several other small diameter trees (less than 6") that don't show up on the survey, but will be retained. The smaller trees are in the large front yard, which will not be disturbed.

The applicant has proposed four spruce trees of 8' in height, six multi-stem aspen of 2 ½ inch caliper, two cottonwood trees of at least 2 ½ inch caliper, and nine (9) mixed shrubs.

The Historic District Guidelines encourage planting evergreen trees, of substantial scale, in the front and side yards. The applicant has proposed a large spruce tree in the front yard. The Historic District Guidelines go on to encourage the use of fences and plantings to define property lines. The use of cottonwood trees along the street edge is encouraged; two cottonwood trees are proposed along Wellington Road. Staff believes this landscaping plan warrants two positive (+2) points under Policy 22/R.

**Drainage (27/A & 27/R):** Positive drainage from the structure is proposed. Staff has no concerns with the drainage plan.

**Point Analysis (Section: 9-1-17-3):** At this time, Staff believes, that the application passes all Absolute Policies and warrants the following points under the Relative Policies: 9/R – Placement of Structures: negative three (-3) points for encroaching on the rear setback, Policy 18/R – Parking: positive two (+2) points for placing the parking in the rear out of public view, and Policy 22/R Landscaping: positive two (+2) points for a landscaping plan that provides some public benefit.

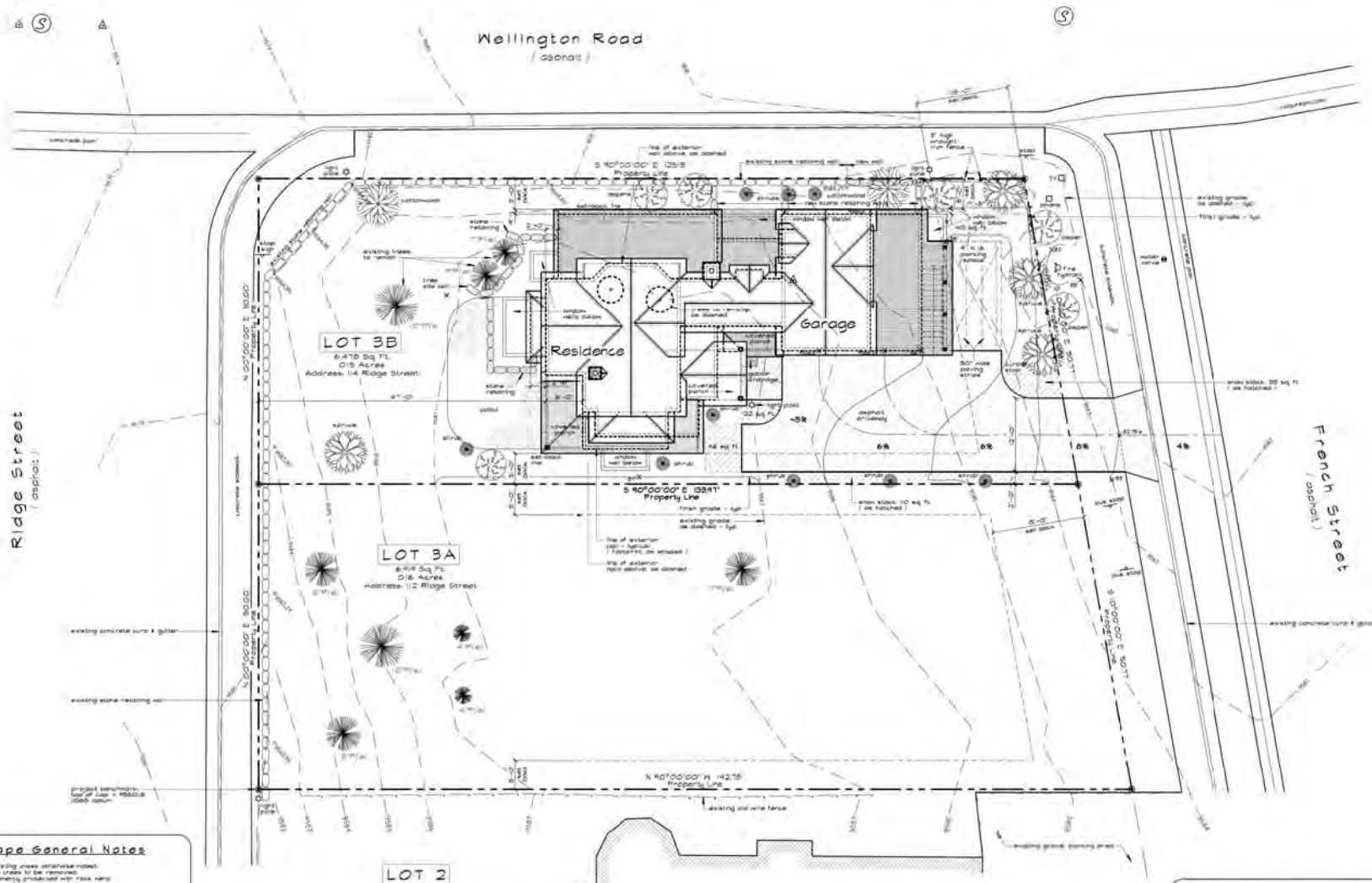
We have the following questions for the Planning Commission:

1. Does the Commission agree with Staff's interpretation of Priority Policy 145 as it relates to horizontal lap siding?
2. Does the Commission believe the colors of yellow and white need to be changed to a darker color to meet the requirements of Policy 8/A Ridgeline and Hillside Development?
3. Does the Commission believe the brackets or corbels are non-functional or ornamental bric-a-brac that is out of character with the area?

#### **Staff Recommendation**

The Planning Department recommends this application return for a Final Hearing.





**Landscape General Notes**

- All trees shown and existing unless otherwise noted. Damaged trees indicate trees to be removed. Trees are to be permanently protected with rock ring where final grade differs from existing grade.
- Existing trees and areas facing where necessary to protect trees.
- All stone retaining walls to fall flat against ground or slope.
- Do not work, remove all construction debris, concrete, mortar, etc. from site prior to landscape work.
- Grades subject to check 2' of final grade.
- Provide effective drainage at existing perimeter.
- Place 2' of topsoil over soil over all disturbed property and the grade top soil for seeding.
- Install all pipe materials to avoid areas where grade from roof.
- Reestablish all disturbed property with suitable plants short any grade rise. Make all areas to be seeded and apply starter fertilizer seed and lighting rock and soil mix and soil to dry condition on slopes greater than 5%.
- Rock and pipe shall set 2' minimum dimension upper rock in all areas where soil shall show when outside area needs top soil.
- Provide rock rip-rap where required for erosion control.
- All grade beds and tree beds to receive 2 inches minimum bark mulch.
- Dark mulch prefer on rock landscape plantings.
- Removal points to all material of native plants, plants with the local designation, ponds, grass, concrete, gutters, etc.
- Provide strip vegetation system as required to protect all drainage.

**Landscape - Symbols Legend**



**Site Calculations**

Building Footprint:	420 sq ft.
Driveway & Parking:	804 sq ft.
Garage Footprint:	145 sq ft.
Non-attached Green & Exterior Area:	50 sq ft.
Site/Grass Area (Less 2' width):	18 sq ft.
Total Lot Coverage (1 Area):	1479 sq ft.
Lot Size:	6,476 sq ft.
Open Space (1.5x):	9,714 sq ft.
Open Space provided:	29 sq ft.
Required (1.4x proposed sq ft. x 2.0x):	2147 sq ft.

**Hermanson Residence**

Lot 3B Abbott Addition  
Address: 114 Ridge Street  
Lot = 6,476 Sq Ft / 0.15 Acres  
Lower Level: 1025, 997/27  
Garage Level: 1025, 996/26  
Main Level: 1025, 997/27  
Upper Level: 1025, 997/27

**Site Plan, Landscape Plan**

Scale: 1/8" = 1'-0"

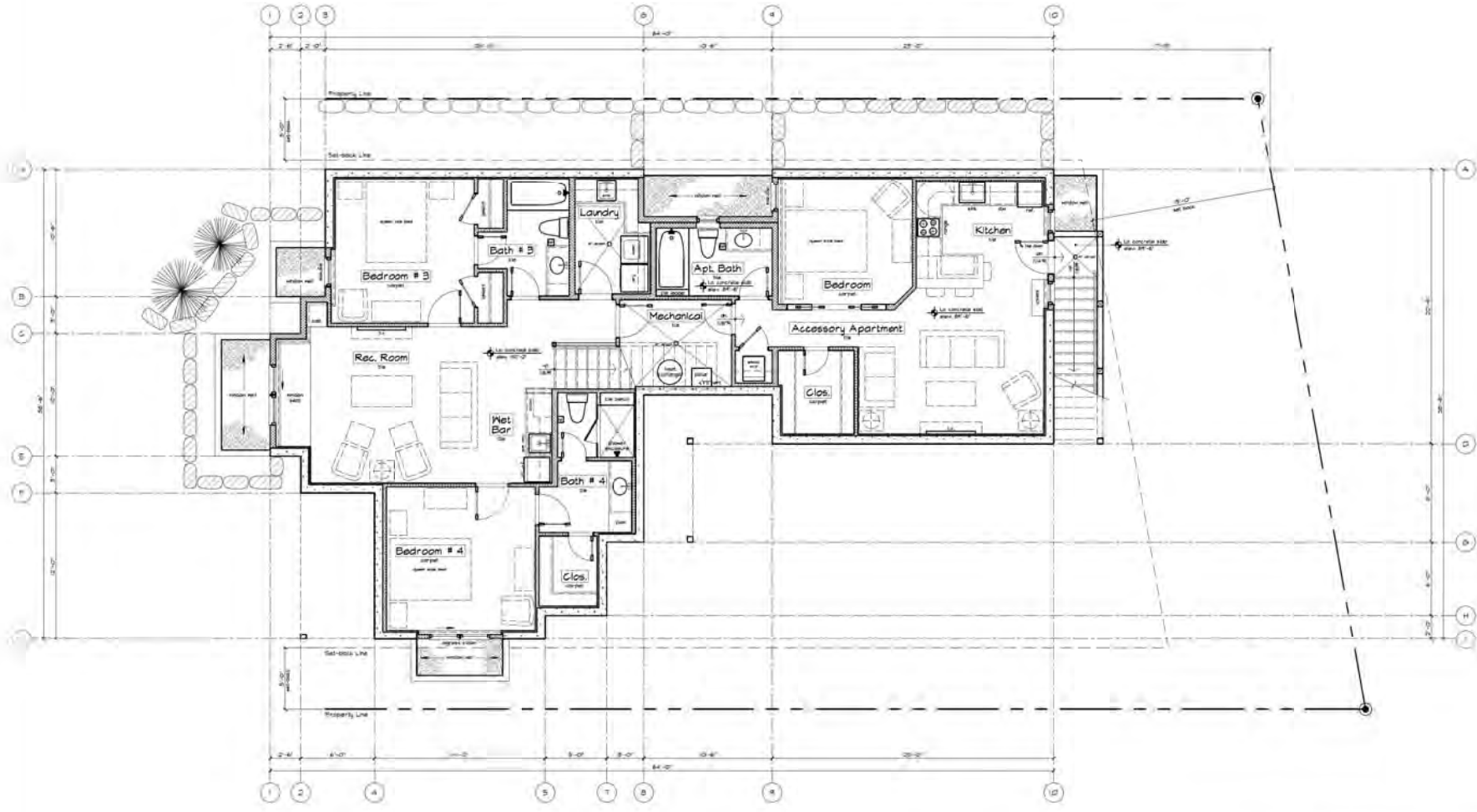
**HERMANSON RESIDENCE**  
LOT 3B  
ABBOTT ADDITION  
TOWN OF BRECKENRIDGE, COLORADO

Site Plan  
Landscape Plan  
Scale: 1/8" = 1'-0"  
Date: 08-22-2023

Architectural  
Registration

JL SHERIDAN ARCHITECT  
100 Box 4830  
Breckenridge, CO 80424  
(970) 932-1716

A-1



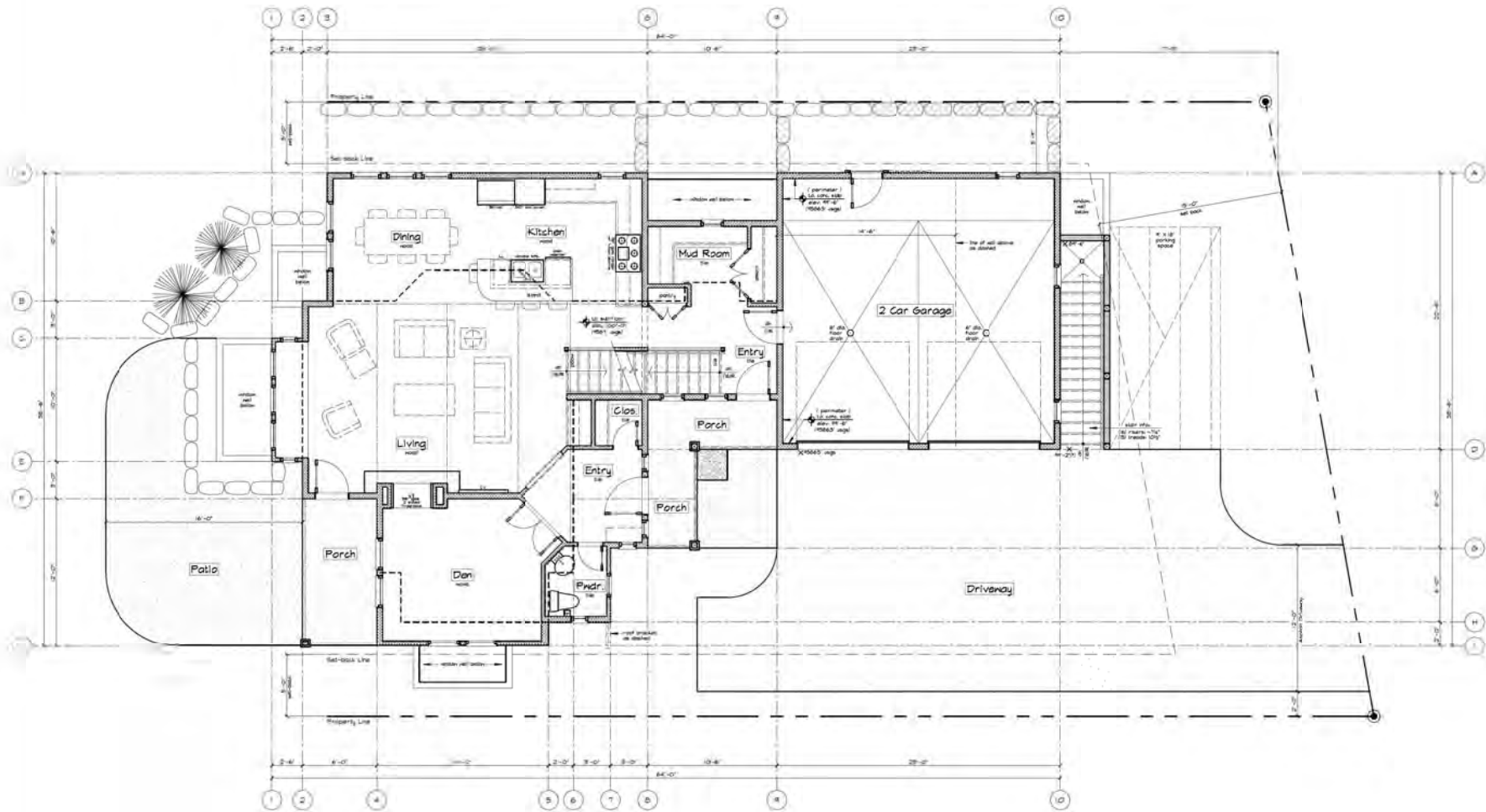
**Lower Level Floor Plan**  
 Scale: 1/4" = 1'-0"  
 Kitchen Living Sq. Ft. = 1,091  
 Apartment = 585  
 Total Lower Living Sq. Ft. = 1,676

**HERMANSON RESIDENCE**  
 LOT 3B  
 ABBETT ADDITION  
 TOWN OF BRECKENRIDGE, COLORADO

Floor Plans  
 Lower Level  
 Scale: 1/4" = 1'-0"  
 Date: 08-28-2008

architectural  
 consultation  
**JENNIFER ARNETT**  
 ARCHITECTURE  
 1000 S. W. 10th St., Suite 100  
 Breckenridge, CO 80424  
 970 465-1718

A-2




**Main Level Floor Plan**  
 Scale: 1/4" = 1'-0"  
 Total Main - Living Sq. Ft. = 009  
 2 Car Garage Sq. Ft. = 576

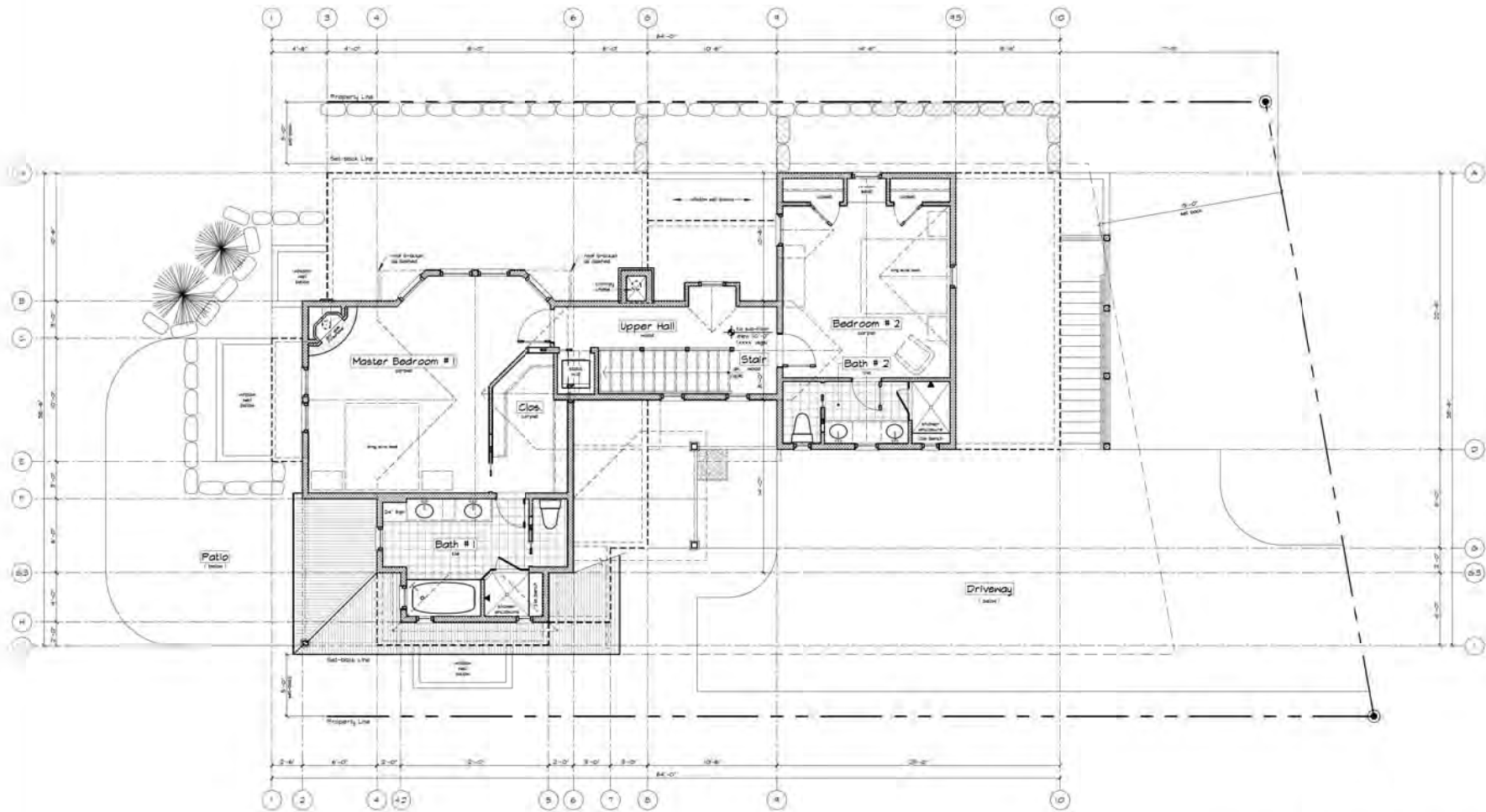
**HERMANSON RESIDENCE**  
 LOT 3B  
 ABBETT ADDITION  
 TOWN OF BRECKENRIDGE, COLORADO

Floor Plan:  
 Main Level  
 Scale: 1/4" = 1'-0"  
 Date: 08-22-2008



  
 architectural  
 consultation  
 J.L. SUTTERLY ARCHITECTS  
 BRECKENRIDGE, CO 80424  
 P.O. Box 1008  
 Breckenridge, CO 80424  
 970.433.1718

A-3



**Upper Level Floor Plan**

Scale: 1/8" = 1'-0"

Upper Level Sq. Ft. Summary

Basic Module	= 824
Plant Module	= 522
Connection (approx. not included)	= 120
<b>Total Upper Level Sq. Ft.</b>	<b>= 1466</b>

**HERMANSON RESIDENCE**  
 LOT 3B  
 ABBETT ADDITION  
 TOWN OF BRECKENRIDGE, COLORADO

Floor Plan:  
 Upper Level

Scale: 1/8" = 1'-0"  
 Date: 08-22-2018



architectural  
 consultation

**JL SUTTERBY ARCHITECT**  
 ARCHITECTS  
 1000 S. W. 10th St., Suite 100  
 Breckenridge, CO 80424  
 970.433.1718

A-4



2  
A-6  
**East Elevation**  
Scale: 3/8" = 1'-0"



1  
A-6  
**West Elevation**  
Scale: 3/8" = 1'-0"



3  
A-6  
**North Elevation**  
Scale: 3/8" = 1'-0"

**HERMANSON RESIDENCE**  
LOT 3B  
ABBETT ADDITION  
TOWN OF BRECKENRIDGE, COLORADO

Exterior Elevations  
West, East & North  
Scale: 3/8" = 1'-0"  
Date: 08-12-2014

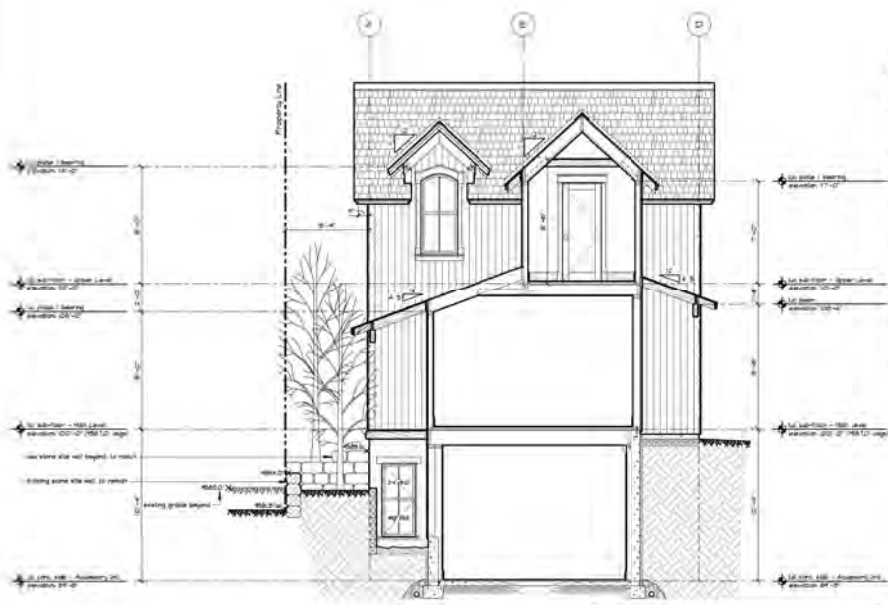


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p.o. box 1028 breckenridge, co 80424

A-6



1  
A-7  
South Elevation  
Scale: 1/4" = 1'-0"



3  
A-7  
East Building Section  
Scale: 1/4" = 1'-0"



2  
A-7  
West Building Section  
Scale: 1/4" = 1'-0"

**HERMANSON RESIDENCE**  
LOT 3B  
ABBETT ADDITION  
TOWN OF BRECKENRIDGE, COLORADO

Exterior Elevations:  
South  
Building Sections:  
West & East  
Notes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10  
Date: 08-20-2016



architectural  
consultation  
**JENNIFER ANNETT**  
ARCHITECTURE  
P.O. Box 3828 Breckenridge, CO 80424 970 465-1716

A-7







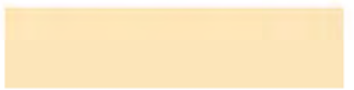




J.L. SUTTERLEY ARCHITECT

## Hermanson Residence

114 Ridge Street  
Breckenridge, CO. 80424

### MATERIAL / COLOR BOARD

Location / Item:	Manufacturer Description:	Color:
1. Roof: Asphalt composition shingles 40 Year - heavyweight	Owens Corning "Driftwood" <a href="http://www.owenscorning.com">www.owenscorning.com</a>	
2. Corrugated metal low roofs:	7/8" with rusted finish	
3. Clad windows & doors: Cedar shingles Selected accent color	Jeld-Wen P504 "Redwood" <a href="http://www.jeld-wen.com">www.jeld-wen.com</a>	
4. Exterior stone veneer:	"Moss stone or Farmer stone"	
5. Horiz. bevel lap cedar siding: and selected accents	"Banana Cream" SW6673 <a href="http://www.sherwin-williams.com">www.sherwin-williams.com</a>	
6. Vertical shiplap cedar siding: and selected accents	"Crisp Linen" SW6378 <a href="http://www.sherwin-williams.com">www.sherwin-williams.com</a>	
7. Garage / Barn: 1X random width (6", 8", 10") shiplap cedar wire brushed, burned and stained		



## Staff Report

- Project:** Lot 6, 7, and 8 of the Shock Hill Subdivision request a variance from the Cucumber Gulch PMA Regulations (Combined Preliminary and Final Hearing PC#2013044)
- Project Managers:** Matt Thompson, AICP
- Date:** May 30, 2013 (for Planning Commission meeting of June 4, 2013)
- Applicant/Owner:** Eucalyptus Properties LLC; Shock Hill ER LLC and Shock Hill DR LLC
- Attorney/Agent:** Stephen C. West, Huntley, Hunter, Teodoru PC
- Proposal:** A variance is requested from the Cucumber Gulch Overlay Protection District/Preventive Management Area (PMA), the disturbance envelopes are in the PMA, which otherwise prohibits construction activities.
- Addresses:** 145, 142, and 120 Penn Lode Drive
- Legal Descriptions:** Lots 6, 7, and 8, Shock Hill Subdivision
- Site Areas:** Lot 6 – 1.04 acres, Lot 7 – 1.26 acres, Lot 8 – 1.01 acres
- Land Use District:** 1: Residential, (Subject to the Shock Hill Master Plan)
- Site Conditions:** Penn Lode is a developed public road and provides access to Lots 6, 7, and 8 Shock Hill Subdivision. The lots are all vacant at this time. The properties are heavily wooded with lodgepole pine, spruce, and fir trees.
- Adjacent Uses:** North: Tract E Shock Hill Subdivision  
East: Lot 9, Lot 3, and Lot 5, Shock Hill Subdivision  
South: Tract B Christie Heights Subdivision Filing No. 2  
West: Cucumber Gulch Overlay Protection District and the Preventive Management Area

## Item History

The Cucumber Gulch Overlay Protection District and the Preventive Management Area were adopted by the Town of Breckenridge by Ordinance on February 22, 2000. The Shock Hill Subdivision that created these lots was approved by the Town on June 17, 1999. This subdivision was exempted from the PMA regulations for the three year vesting period of the subdivision permit. The intent of the ordinance was to adopt development standards for construction activity in the District, and to prohibit certain activities within the PMA. However, the ordinance also anticipated that some development would be allowed under very specific conditions, through a variance process.

## Staff Comments

**Variance from PMA Regulations:** The disturbance envelopes are within the Preventive Management Area (PMA). Ordinance 9, Series 2000, which adopted the PMA regulations, prohibits new building construction within the PMA. However, the ordinance also identifies a

relief procedure (“variance”) in situations where there is no practical alternative, and when the actions will not result in a significant degradation to natural or wildlife features of Cucumber Gulch. **(Note: Only relevant sections of this ordinance are shown in the staff report).**

8.4 *Prohibitions Within the PMA.* The following are prohibited within the PMA, unless specifically approved by the Town pursuant to Paragraph 14 of these Regulations:

- A. *New building construction, erection or placement, or increase in size of an existing building footprint*
- D. *Removal or excavation of material such as soil, gravel or vegetation*
- I. *Vegetative cutting or clearing*

11. *Development Standards:* *Development within the District shall be subject to the following standards:*

B. *Modifications to the hydrology shall not result in detrimental effects to the resources of the District.*

C. *Where vegetation is proposed to be disturbed, the applicant shall submit a plan to restore such areas in a manner that provides similar biological functions, based on percent cover and type of species. Revegetation shall consist of native plants that are found in the vicinity.*

F. *Construction activities shall employ effective methods to minimize soil erosion and resulting sedimentation, including silt fences, temporary re-vegetation of long-term construction sites, avoidance of slopes greater than 30%, and management of storm water run-off, and other methods.*

G. *Components consistent with the Town’s adopted water quality standards shall be incorporated in construction activities to address potential impacts from stormwater run-off, snow storage, and impervious surfaces.*

K. *The area of soil and vegetation disturbance on each building site shall be limited to that required for construction and landscaping.*

14. *Relief Procedures.*

A. *The Planning Commission or Town Council may grant a variance, exception or waiver of any requirement of these Regulations (collectively, “variance”) upon a written request by a developer or owner of property subject to these Regulations. A variance shall be granted only upon finding that **(a) a strict application of these Regulations would, when regarded as a whole, result in compensable taking of the property; or (b) the purposes of these Regulations will be adequately served by an alternative proposal or requirement (including any required mitigation, which shall be within the District), and (i) the granting of the variance will not result in a substantial degradation of the natural and wildlife features of Cucumber Gulch, and (ii) there is no other practical alternative. No variance by itself or in combination with other variances shall have the effect of nullifying the intent and purpose of these Regulations. Section 9-1-11 of the Breckenridge Development Code is not applicable to the granting of a variance under these Regulations.** (Highlight Added.)*

Staff believes that the proposal meets criteria (a) of the Relief Procedures section because staff has been advised by the Town Attorney that he believes that a strict application of the Regulations might, when regarded as a whole, result in a compensable regulatory “taking” of the property and (i) the granting of the Variance will not result in substantial degradation of the natural and the granting of the variance will not nullify the intent and purpose of the Cucumber Gulch Regulation.

The Town Attorney advises that the reason that a strict application of the regulations might result in a compensable taking is that the property consists of three unimproved single family lots and the application of the prohibitions of Section 8.4 of the regulations would make it impossible to construct a residence on any of the lots. The Town Attorney is concerned that such a situation might arguably make the lots effectively worthless, and result in a compensable taking as that term has been defined by the courts.

While the degradation of the natural and wildlife features of Cucumber Gulch are not relevant to the compensable taking issue, the applicant believes that the granting of the Variance would not result in substantial degradation of the natural and wildlife features of Cucumber Gulch because:

1. The area between the lots and the edges of wetlands containing principal water bodies and the edges of all other wetlands, which are the edges used for measurement of the 300’ and 100’ distances used to establish the PMA, has been disturbed by the installation of a sanitary sewer line within a utility easement;
2. In the area between the Disturbance Envelopes for Lots 7 and 8 and on the Cucumber Gulch or west side of such lots, a sanitary sewer lift station, including a small structure housing the lift station, already has been constructed;
3. To the west of the lots, adjacent to a trail easement, an old log cabin has been preserved within the PMA and is the site of significant human activity; and
4. The construction of residences within the limited Disturbance Envelopes allowed within a tree covered area at or near the edge of the PMA will not result in substantial degradation of the natural and wildlife features of Cucumber Gulch, which features are based on the wetland characteristics of Cucumber Gulch from which the measurements were made to establish the PMA, and certainly will not result in any substantial degradation, especially taking into account the manmade structures and human activity that occur between the Disturbance Envelopes and the rest of the PMA, especially the edges of wetlands.

The granting of a variance from the prohibitions of Section 8.4 will in no way relieve the property and its owners from complying with all of the Development Standards and Best Management Practices provided for in Sections 11 and 12 of the PMA regulations. In addition, a Declaration of Restrictive Covenants for Boreal Toad Protection was recorded on June 17, 1999 at Reception No. 598534 and contains restrictions similar to, but not as broad as the Development Standards and Best Management Practices and, accordingly, the applicants have proposed that the Declaration of Restrictive Covenants be voided and replaced with a covenant in a form acceptable to the Town Attorney setting forth the variance and incorporating all of the applicable Development Standards and Best Management Practices from Sections 11 and 12 of

the regulations so that any future owners of any of the lots will have a clear notice of those standards and practices and of the need for strict compliance with them.

**Staff Recommendation**

Staff finds that the proposal meets the requirements for a variance from the Preventive Management Area of the Cucumber Gulch Overlay Protection District, and recommends that the Planning Commission approve the requested Variance from the Cucumber Gulch PMA Regulations, PC#2013044, along with the attached Findings and Conditions.



1 PROCEEDINGS OF THE PLANNING COMMISSION OF THE TOWN OF  
2 BRECKENRIDGE, COLORADO

3  
4 IN THE MATTER OF THE APPLICATION OF EUCALYPTUS PROPERTIES LLC, SHOCK  
5 HILL ER LLC, AND SHOCK HILL DR LLC FOR A VARIANCE FROM THE CUCUMBER  
6 GULCH OVERLAY PROTECTION DISTRICT REGULATIONS  
7

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8  
9 DECISION  
10

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11  
12 On June 4, 2013 this matter came before the Planning Commission of the Town of  
13 Breckenridge, Colorado (“**Planning Commission**”) upon the written application of Eucalyptus  
14 Properties LLC, Shock Hill ER LLC, and Shock Hill DR LLC (collectively “**Applicants**”) for a  
15 variance from the Town of Breckenridge Cucumber Gulch Overlay Protection District  
16 Regulations (“**Application**”), all as more fully set forth and described in the Application.  
17

18 Having heard and considered all of the evidence presented both in favor of and in  
19 opposition to the Application, the Planning Commission of the Town of Breckenridge finds and  
20 determines as follows:  
21

22 1. By Ordinance No. 9, Series 2000, the Town Council of the Town of Breckenridge  
23 established the “Cucumber Gulch Overlay Protection District” and adopted amendments to the  
24 Town of Breckenridge Land Use Guidelines relating thereto (“**Cucumber Gulch Regulations**”).  
25 The Cucumber Gulch Regulations apply to that portion of the Town of Breckenridge that is  
26 commonly referred to as “Cucumber Gulch.” Cucumber Gulch is a drainage located on the  
27 western edge of the Town of Breckenridge, and is more particular described and defined in the  
28 Cucumber Gulch Regulations.  
29

30 2. Pursuant to Section 14(A) of Cucumber Creek Regulations, the Planning  
31 Commission is empowered to grant a variance, exception or waiver (collectively referred to as a  
32 “**variance**”) from any of the requirements of the Cucumber Gulch Regulations in certain limited  
33 instances.  
34

35 3. The Applicants are the owners of Lots 6, 7, and 8, Shock Hill Subdivision, Town  
36 of Breckenridge, Summit County, Colorado (“**Applicants’ Property**”).  
37

38 4. The Applicants’ Property is located within the corporate limits of the Town of  
39 Breckenridge, Colorado.  
40

41 5. The Applicants’ Property is subject to the Cucumber Gulch Regulations.  
42

43 6. The Application constitutes a written request for a variance from the provisions  
44 and requirements of the Cucumber Gulch Regulations within the meaning of Section 14(A) of  
45 the Cucumber Gulch Regulations.  
46

1           7.       The Planning Commission has jurisdiction over the Application pursuant to the  
2 Cucumber Gulch Regulations.

3  
4           8.       Section 8.4 of the Cucumber Gulch Regulations describes certain activities that  
5 are prohibited within the geographic area of the Town of Breckenridge which is referred to in the  
6 Cucumber Gulch Regulations as the “Preventive Management Area” or “PMA”.

7  
8           9.       Unless a variance is granted, the following provisions of Section 8.4 of the  
9 Cucumber Gulch Regulations would prohibit the construction of permanent improvements upon  
10 the Applicants’ Property: Paragraph A, which prohibits new building construction on property  
11 located within the PMA; Paragraph C, which prohibits the placement of materials such as soil  
12 and gravel; Paragraph D, which prohibits removal or excavation of material such as soil, gravel  
13 or vegetation; and Paragraph I, which prohibits vegetative cutting or clearing, with certain  
14 exceptions not applicable here.

15  
16           10.      The purpose of the Application is to obtain a variance from Paragraph A,  
17 Paragraph C, Paragraph D, and Paragraph I of Section 8.4 of the Cucumber Gulch Regulations  
18 with respect to the Applicants’ Property.

19  
20           11.      The Application was processed in accordance with the applicable requirements of  
21 the Town’s Development Code (Chapter 1 of Title 9 of the Breckenridge Town  
22 Code)(“**Development Code**”).

23  
24           12.      The members of the Planning Commission participating in this Decision are  
25 familiar with the location of the Applicants’ Property, and its relationship to Cucumber Gulch.

26  
27           13.      A final hearing on the Application was held on June 4, 2013.

28  
29           14.      Notice of all proceedings held by the Planning Commission in connection with  
30 the Application was given in accordance with the applicable requirements of the Town’s  
31 Development Code.

32  
33           15.      At the final hearing the Applicants, through its representatives, appeared and gave  
34 testimony and presented evidence in support of the Application. Further, any interested parties  
35 were given the opportunity to appear and give testimony concerning the Application. All such  
36 testimony and evidence is contained in the record of the proceedings pertaining to the  
37 Application.

38  
39           16.      All of the members of the Planning Commission participating this decision have  
40 carefully considered all of the evidence submitted pertaining to the Application, both oral and  
41 written, and the applicable requirements of the Cucumber Gulch Regulations and other  
42 applicable law.

43  
44           17.      In order for the Application to be granted, the burden is on the Applicants to  
45 demonstrate by competent evidence that the Application satisfies all of the applicable  
46 requirements of Section 14(A) of the Cucumber Gulch Regulations. The Applicants’ burden of

1 proof is by a preponderance of the evidence.  
2

3 18. The criteria for the granting of a variance as requested by the Application are set  
4 forth in Section 14(A) of the Cucumber Gulch Regulations. Section 14(A) of the Cucumber  
5 Gulch Regulations provides, in pertinent part, as follows:  
6

7 The Planning Commission . . . may grant a variance, exception or wavier of any  
8 requirement of these Regulations (collectively, “variance”) upon a written request  
9 by a developer or owner of property subject to these Regulations. A variance  
10 shall be granted only upon finding that (a) a strict application of these Regulations  
11 would, when regarded as a whole, result in the compensable taking of the  
12 property . . . . No variance by itself or in combination with other variances shall  
13 have the effect of nullifying the intent and purpose of these Regulations. Section  
14 9-1-11 of the Breckenridge Development Code is not applicable to the granting of  
15 a variance under these Regulations.  
16

17 19. The Applicants argued at the hearing that the application of Paragraph A,  
18 Paragraph C, Paragraph D, and Paragraph I of Section 8.4 of the Cucumber Gulch Regulations to  
19 their property effectively prohibits all development of the property and results in a compensable  
20 “taking” of the property as that term has been defined by the courts.  
21

22 20. The Town Attorney has advised the Planning Commission that it is his opinion  
23 that the strict application of Paragraph A, Paragraph C, Paragraph D, and Paragraph I of Section  
24 8.4 of the Cucumber Gulch Regulations to the Applicants’ Property would, most probably, be  
25 viewed by the courts as a compensable taking of the property because it would prohibit all  
26 building construction on the Applicants’ Property.  
27

28 21. After carefully considering the record in this matter, the Planning Commission  
29 finds and determines that the Applicants have sufficiently demonstrated that the Application  
30 satisfies the applicable requirements of Section 14(A) of the Cucumber Gulch Regulations in the  
31 following particulars  
32

33 A. A strict application of Paragraph A, Paragraph C, Paragraph D, and Paragraph I of  
34 Section 8.4 of the Cucumber Gulch Regulations would, when regarded as a whole, result in the  
35 compensable taking of the Applicants’ Property as that term has been defined by the courts; and  
36

37 B. The granting of the variance requested by the Applicants would not have the  
38 effect of nullifying the intent and purpose of the Cucumber Gulch Regulations.  
39

40 22. The rationale of the individual Planning Commission members participating in  
41 this decision is set forth in the record of the proceedings on the Application held June 4, 2013.  
42 Further justification and support for such findings are set forth in the record in this proceeding  
43 which was compiled at the public hearing(s) held in connection with the Application.  
44

45 23. Paragraph 10 of the Cucumber Gulch Regulations authorizes the Planning  
46 Commission to impose such conditions of approval as may be reasonably necessary in order to

1 implement the purposes of the Cucumber Gulch Regulations.  
2

3 24. The conditions of approval hereinafter set forth are reasonably necessary in order  
4 to implement the purposes of the Cucumber Gulch Regulations. Further, conditions of approval  
5 hereinafter set forth are necessary in order to adequately protect the public health, safety and  
6 welfare.  
7

8 IT IS THEREFORE ORDERED, that the application of Eucalyptus Properties LLC,  
9 Shock Hill ER LLC, and Shock Hill DR LLC for a variance from Paragraph A, Paragraph C,  
10 Paragraph D, and Paragraph I of Section 8.4 of the Cucumber Gulch Overlay Protection District  
11 Regulations, as more specifically described and as limited by the Application filed herein, is  
12 GRANTED without any time restriction; subject, however, to the following conditions:  
13

14 1. The variance hereby granted applies only to Paragraph A, Paragraph C, Paragraph  
15 D, and Paragraph I of Section 8.4 of the Cucumber Gulch Overlay Protection District  
16 Regulations and, except with respect to such three provisions, the remainder of the Cucumber  
17 Gulch Regulations continue to apply to the Applicants' Property. Without limiting the generality  
18 of the preceding sentence, all future development of the Applicants' Property shall be subject to  
19 the Development Standards and Best Management Practices set forth in Section 11 and 12 of the  
20 Cucumber Gulch Regulations.  
21

22 2. Within ninety (90) days of the date of the final approval of this Decision by the  
23 Breckenridge Town Council the Applicants shall prepare and file with the Clerk and Recorder of  
24 Summit County, Colorado a restrictive covenant confirming that all future development of the  
25 Applicants' Property is subject to the Development Standards and Best Management Practices  
26 set forth in Section 11 and 12 of the Cucumber Gulch Regulations, and that the Town has the  
27 authority to enforce such requirements pursuant to the Cucumber Gulch Regulations. The  
28 restrictive covenant shall be in a form and substance that is acceptable to the Town Attorney.  
29

30 3. The variance herein authorized shall not be valid unless and until the Applicants  
31 accept the preceding findings and conditions in writing, and transmit such acceptance to the  
32 Planning Commission. The written acceptance shall be in a form and substance that is acceptable  
33 to the Town Attorney.  
34

35 A copy of this Decision shall be mailed by the Secretary of the Department of  
36 Community Development to the Applicants at their addresses as shown on the Application.  
37

38 ADOPTED: June 4, 2013  
39  
40  
41



TOWN OF BRECKENRIDGE PLANNING  
COMMISSION

By \_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Secretary

**THE APPLICANTS ARE ADVISED THAT THE CUCUMBER GULCH REGULATIONS PROVIDE THAT A VARIANCE MAY BE GRANTED BY EITHER THE PLANNING COMMISSION OR THE TOWN COUNCIL. ACCORDINGLY, THIS DECISION MAY BE CALLED UP AND THE APPLICATION FINALLY DECIDED BY THE TOWN COUNCIL.**

Lots 6, 7, and 8  
Shock Hill



## Planning Commission Staff Report

**Subject:** Shock Hill Tract C Subdivision (Class A, Combined Hearing; PC#2013045)

**Proposal:** To resubdivide Tract C of the Shock Hill Subdivision (Rec# 598532) into eight lots. The use and density associated with this tract remain the same as the approved in the Shock Hill Tract C Master Plan (PC#2012050) for eight duplexes.

**Date:** May 30, 2013 (For meeting of June 4, 2013)

**Project Manager:** Matt Thompson, AICP

**Applicant/Owner:** The Narrows, LLC

**Agent:** Tim Casey

**Address:** Name of private road and addresses to be determined

**Legal Description:** Shock Hill Tract C Subdivision

**Site Area:** 2.887 acres (125,762 sq. ft.)

**Land Use District:** LUD 10, Single Family, Duplex, and Multi-Family, 2 UPA for single family residential. Subject to the Shock Hill Tract C Master Plan.

**Site Conditions:** The lot is currently an undisturbed forest. The property slopes gently downhill from Shock Hill Drive towards the south. It is heavily covered in a mixture of lodgepole pine, spruce and fir trees. There are several specimen trees on the property that the developer is trying to save during construction. There is a 5' snowstack and pedestrian access easement along Shock Hill Drive. There is an existing gondola easement shown along the northern edge of the property. There is a 20' drainage and utility easement along the southern property line; and a 30' drainage and utility easement in the southwest corner of the property.

**Adjacent Uses:**

North:	Gondola and the Shock Hill Cottages
East:	Shock Hill Homes
South:	Vacant single family lots
West:	Tract E Shock Hill (vacant land)

### Item History

In September of 2012 the Planning Commission and Town Council approved the Shock Hill Tract C Master Plan for 16 duplex units (PC#2012050) totaling 38,400 sq. ft. of density and 46,080 sq. ft. of total mass, per the overall Shock Hill Master Plan.

### Staff Comments

**Land Use:** The proposed uses of duplexes abide with the approved Shock Hill Tract C Master plan. Staff has no concerns with these uses.

**Site Plan:** The proposed lots and tracts are located in the same area as the Master Plan approved locations for the duplexes. Staff has no concerns.

**Lot Layout:** The Subdivision ordinance requires that lots be arranged to facilitate securing development and building permits, and to ensure adequate driveway access (9-2-4-5-B). Staff finds the proposed lots will facilitate securing permits and access. The proposed lots are rectangular as suggested by the Subdivision ordinance (9-2-4-5-C3).

**Access and Vehicular Circulation:** Adequate access to each lot in this subdivision is provided via the proposed Spruce Trail Circle. Staff finds the proposed access adequate for the proposed uses.

**Landscaping:** The Subdivision ordinance requires sites to be designed compatible with the natural topography and existing natural features (9-2-4-2 A). The development of the proposed tracts and lots are subject to the Class C Development Review process, which will include landscaping. There will be no public right-of-way, hence no new landscaping is proposed as part of the subdivision.

**Open Space & Trails:** The Subdivision ordinance requires that 10% of the land to be subdivided be dedicated as public open space (9-2-4-13 A). With the initial Shock Hill Subdivision, 10% of the subdivision was dedicated as Public Open Space. Staff has no concerns.

**Utilities:** All utilities (water and sewer) are available within the right-of-way for Shock Hill Drive and Penn Lode Drive. Staff has no concerns with the utilities.

**Drainage:** The applicant has proposed a grading and drainage plan that has been reviewed and approved by the Town Engineering Department. Staff has no concerns.

### **Staff Recommendation**

This application has been advertised as a combined Preliminary & Final Hearing. Staff believes that all of the issues relating to this subdivision have been adequately addressed. Staff recommends the Shock Hill Tract C Subdivision, PC#2013045, be approved with the attached Findings & Conditions.



## Town Of Breckenridge

Shock Hill Tract C Subdivision  
12, 16, 32, 38, 52, 56, 34, 78, 87, 79, 64, 61, 43, 39, 25, 21 Spruce Trail Circle  
Shock Hill Tract C Subdivision  
PERMIT #2013045

STAFF RECOMMENDATION: The staff recommends the Planning Commission approve this application with the following Findings and Conditions

### FINDINGS

1. The proposed project is in accord with the Subdivision Ordinance 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 **May 30, 2013**, 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 **June 4, 2013**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.
7. This application has been reviewed as a combined Preliminary and Final hearing. The issues involved in the proposed project are such that no useful purpose would be served by requiring two separate hearings.

### CONDITIONS

1. The Final Plat of this property may not be recorded 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, refuse to record the Final Plat, issue a stop order requiring the cessation of any work being performed under this permit, 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 will expire three (3) years from the date of Town Council approval, on **June 11, 2016**, unless the Plat has been filed. 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 three years, 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. Applicant shall construct the subdivision according to the approved subdivision plan, and shall be responsible for and shall pay all costs of installation of public roads and all improvements including revegetation, retaining walls, and drainage system. All construction shall be in accordance with Town regulations.
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 RECORDATION OF FINAL PLAT**

7. Applicant shall submit and obtain approval from Town staff of a final plat that meets Town subdivision requirements and the terms of the subdivision plan approval.
8. Applicant shall submit and obtain approval from the Town Engineer of final grading, drainage, utility, erosion control plans.
9. Applicant shall submit and obtain approval from the Town Attorney for any restrictive covenants and declarations for the property.
10. Applicant shall either install all public and private improvements shown on the subdivision plan, or a Subdivision Improvements Agreement satisfactory to the Town Attorney shall be drafted and executed specifying improvements to be constructed and including an engineer's estimate of improvement costs and construction schedule. In addition, a monetary guarantee in accordance with the estimate of costs shall be provided to cover said improvements.
11. Per Section 9-2-3-5-B of the Subdivision Standards, the following supplemental information must be submitted to the Town for review and approval prior to recordation of the final plat: title report, errors of closure, any proposed restrictive covenants, any dedications through separate documents, and proof that all taxes and assessments have been paid.
12. Applicant shall provide and obtain approval from the Town of Breckenridge for the name of the private road.

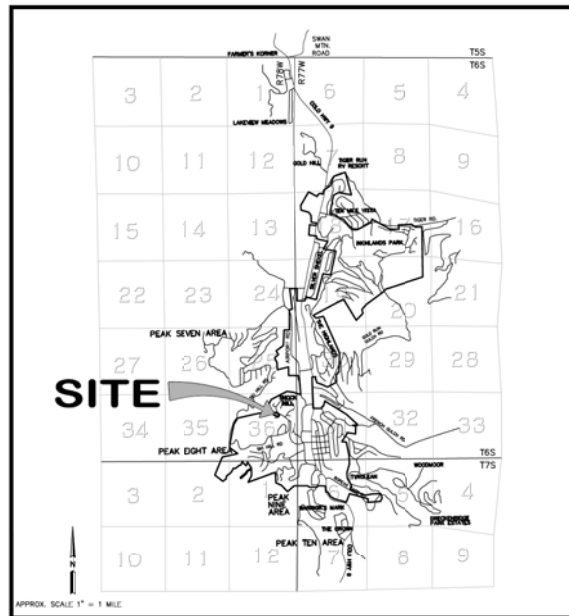
**PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE**

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

**TRACT C, SHOCK HILL SUBDIVISION  
PRELIMINARY PLANS**  
 LOCATED IN NE 1/4, SECTION 36  
 TOWNSHIP 6 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL MERIDIAN  
 TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO

**APRIL, 2013**

VICINITY MAP



LAND USE SUMMARY		
LOT	ACREAGE	% OF SITE
LOT 1-2	0.139	4.81
LOT 3-4	0.140	4.85
LOT 5-6	0.127	4.40
LOT 7-8	0.125	4.33
LOT 9-10	0.127	4.40
LOT 11-12	0.127	4.40
LOT 13-14	0.125	4.33
LOT 15-16	0.130	4.50
DUMPSTER	0.014	0.48
COMMON AREA	1.833	63.49
<b>TOTAL</b>	<b>2.887</b>	<b>100.00</b>

SHEET INDEX	
COVER SHEET _____	SHEET 1
GRADING AND DRAINAGE PLAN _____	SHEET 2
WATER AND SANITARY SEWER PLAN _____	SHEET 3
PRELIMINARY PLAT _____	SHEET 4

**SHOCK HILL TRACT C  
GRADING AND DRAINAGE PLAN**

NO.	REVISION DESCRIPTION	DATE	BY

DATE: 04-08-2013  
DESIGNED: SC  
CHECKED: SC  
JOB NO.: 02013

**SHEET  
2**



**LEGEND**

- BOUNDARY LINE
- PROPOSED CONTOUR
- EXISTING CONTOUR
- PROPOSED CULVERT
- EXISTING CULVERT
- PROPOSED SWALE
- STORMWATER FLOW
- PROPOSED CONCRETE
- PROPOSED ASPHALT

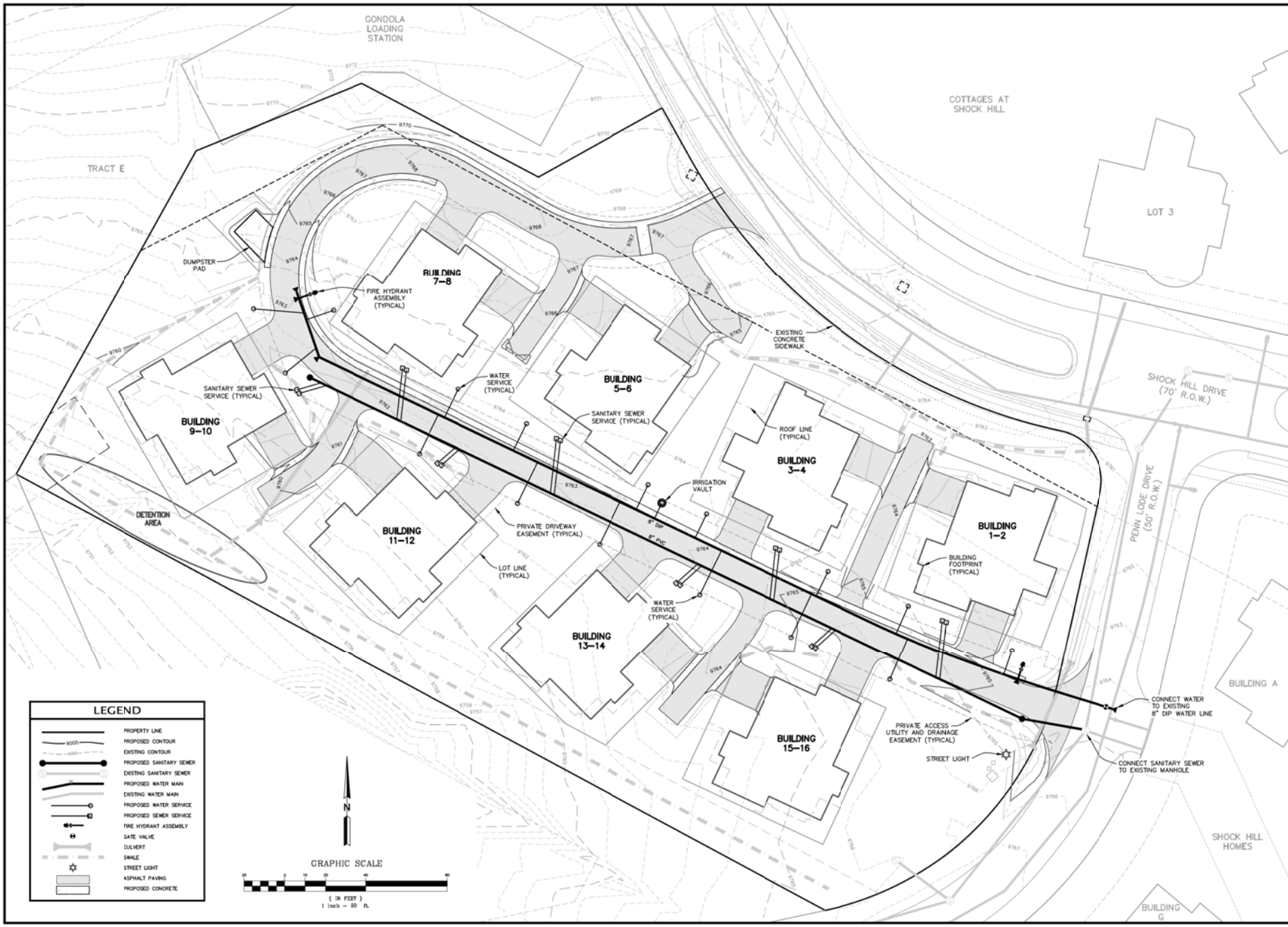
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GRAPHIC SCALE

( IN FEET )  
1 inch = 20 ft

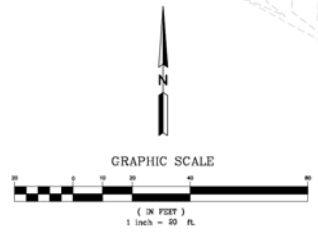


**SHOCK HILL TRACT C  
WATER AND SANITARY SEWER PLAN**



**LEGEND**

	PROPERTY LINE
	PROPOSED CONTOUR
	EXISTING CONTOUR
	PROPOSED SANITARY SEWER
	EXISTING SANITARY SEWER
	PROPOSED WATER MAIN
	EXISTING WATER MAIN
	PROPOSED WATER SERVICE
	EXISTING WATER SERVICE
	PROPOSED SEWER SERVICE
	EXISTING SEWER SERVICE
	FIRE HYDRANT ASSEMBLY
	GATE VALVE
	CULVERT
	SKALE
	STREET LIGHT
	ASPHALT PAVING
	PROPOSED CONCRETE

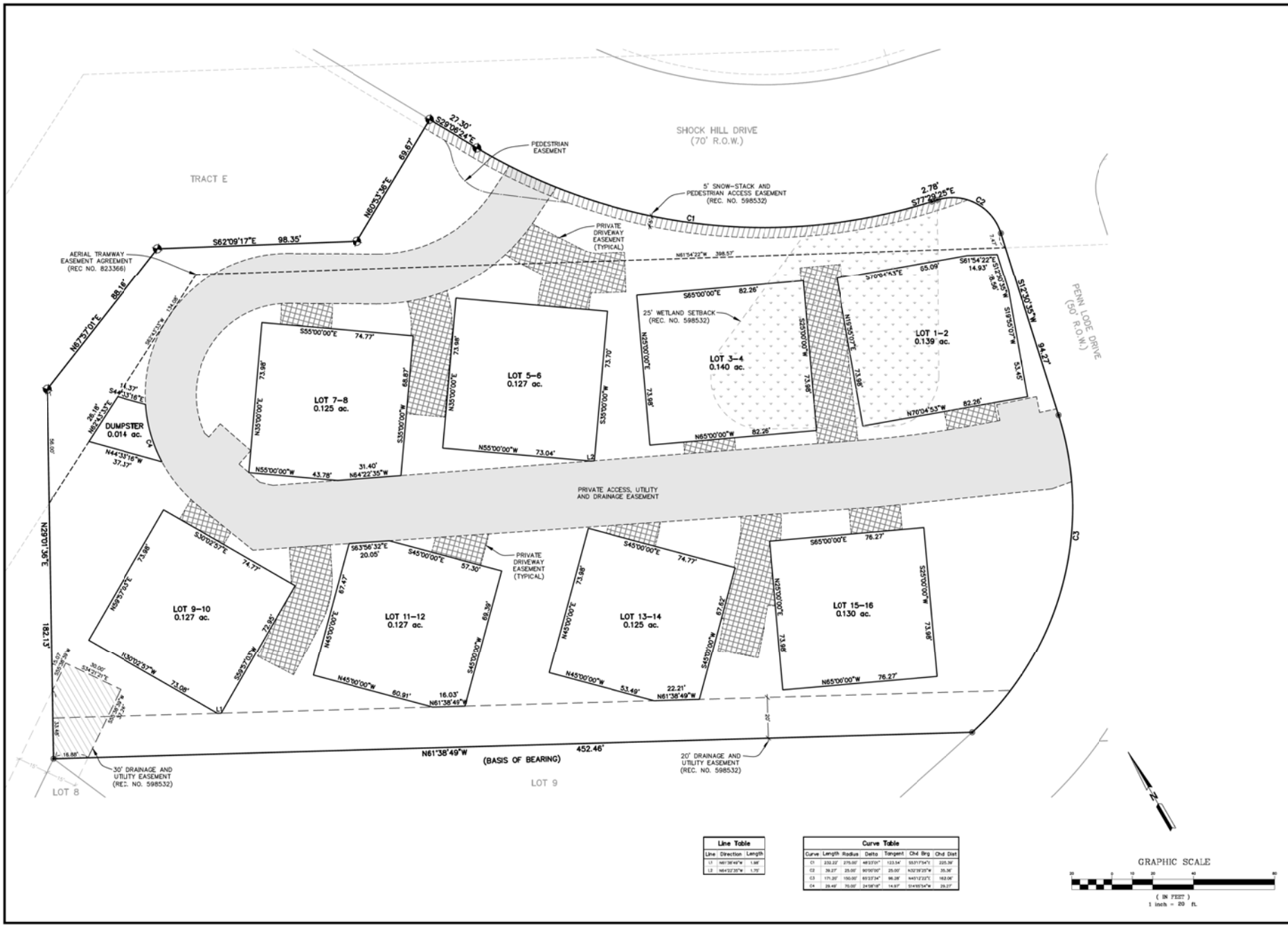


NO.	REVISION DESCRIPTION	DATE	BY

DATE:	04-08-2013
DESIGNED BY:	SC
CHECKED BY:	SC
JOB NO.:	02013

**SHEET 3**

**SHOCK HILL TRACT C  
PRELIMINARY PLAT**



Line	Direction	Length
01	N45°28'27"W	1.98'
02	N45°28'27"W	1.75'

Curve	Length	Radius	Delta	Tangent	Chl Brg	Chl Dist
C1	230.22'	270.00'	49.230°	122.34'	S33°17'41"E	225.38'
C2	26.27'	25.00'	60.000°	25.00'	N25°19'28"W	26.36'
C3	171.20'	150.00'	69.373°	66.28'	N43°12'22"E	162.00'
C4	28.49'	70.00'	24.987°	14.67'	S43°03'34"W	29.27'

NO.	REVISION DESCRIPTION	DATE	BY

DATE: 04-08-2013  
DESIGNED BY: JCL  
CHECKED BY: JCL  
JOB NO.: 02013