



8. *If Development Permit Application No. 2008058 filed by the Applicant seeking a development permit to rehabilitate and restore the Theobald Building is not given final approval by the Planning Commission/Town Council, or the terms and conditions of any approval are not acceptable to the Applicant, the historic shed that is the subject of this permit shall be relocated on the property in a location to be approved by the Town, and the Applicant shall obtain approval from the Breckenridge Town Council of local landmark designation for the Theobald Building located on the property.*

Randy Hodges, Hodges/Marvin Architects, (Agent): Presented drawings as to what the shed would look like after its replacement on the property. Explained some of the shoring and construction processes.

Mr. Khavari opened the hearing for public comment. There was no public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Bertaux: Asked if Pup's Glide Shop was under ownership by the applicant. (Mr. Theobald: yes.) Asked if the foundation would be a full basement beneath the structure. (Mr. Hodges: no, they plan on avoiding the historic building to the south and maintaining a 4-foot crawl space along the south and east property lines.) Asked if the shed would have a basement after its replacement. (Mr. Hodges: no, a code compliant stair would consume too much of the floor area. All basement area would be in the main building.)

Final Comments: This application did comply with Priority Policy 108 for its replacement and with the applicants' track record he did not recommend the Town require a performance bond.

Mr. Allen: Did the description of relocation in the code mean moving of any nature of just moving off-site? (Mr. Mosher: Relocation can mean any movement of a structure. The preference was to leave the building as is. Second preference would be to move it on the property in the same context, and lastly would be moving it to another property in the Conservation District.)

Final Comments: Concurred with Mr. Bertaux's final comments. Supported the application.

Ms. Girvin: Final Comments: Concurred with Mr. Bertaux's final comments.

Mr. Khavari: Would the shed's height be increased with its replacement? (Mr. Hodges: the shed is in a hole today. It will be raised up just enough to protect it from drainage concerns.)

Final Comments: Concurred with Mr. Bertaux's final comments.

Mr. Bertaux made a motion to approve the point analysis presented for the Theobald Building Shed Relocation, PC#2008057, 101 South Main Street, with a passing score of positive one (+1) point. Mr. Allen seconded. The motion was approved unanimously (4-0).

Mr. Bertaux the made a motion to approve the combined application for the Theobald Building Shed Relocation PC#2008057, 101 South Main Street, with the findings and conditions and the approved point analysis. Mr. Allen seconded. The motion was approved unanimously (4-0)

***PRELIMINARY HEARINGS:***

1. Theobald Building Rehabilitation and Variance (MM) PC#2008058; 101 South Main Street

Mr. Mosher presented a proposal to completely restore the original east façade of the Theobald Building (based on historic photographs), lower the interior floor (no changes to the exterior) in order to meet handicap access standards, rehabilitate and restore the north elevation to facilitate a viable retail experience between the Riverwalk and Main Street, and reset the historic shed addition as a stand-alone retail space behind the main building. No changes were proposed to the non-historic building (Pup's Glide Shop) that exists at the west property edge. The north sidewalk in the public right of way would be heated to eliminate the ice dangers.

Staff has often found that, at times, the exactness of the policies from the Development Code and the Historic Standards are often difficult to apply or interpret with the variety of unusual conditions established with the Town's many historic structures and the changes to the Town's character and growth patterns. For instance, for the Racer's Edge redevelopment, the Town's historic standards were modified during the review process to accommodate specific conditions that were not identified in the Development Code or Historic Standards in order to facilitate the redevelopment of the property.

Staff has given this application careful thought because they were confronted by two important issues: 1) The viability and “heartbeat” of the Commercial Core with the connection to the Riverwalk and 2) the possible removal of historic fabric and alterations to the building to meet this goal. Staff has the following questions for the Commission:

1. Did the Commission support lowering the historic floor elevation in order to meet Building Code requirements (leaving the exterior elevation the same) and allowing the building still to be landmarked?
2. Would the Commission support creating a variance to allow the basement density beneath the new construction to be counted as “free” density?
3. Did the Commission believe that the alterations to the historic structure as associated with the proposed use were in balance with the resulting vitality and better pedestrian connection along the north property line between the Riverwalk and Main Street?
4. Did the Commission believe that this design respects “the historic integrity of the building while also accommodating new functions”? Would you suggest negative points under this Design Standard?
5. Would the Commission support a variance for allowing the building to be lowered one level in its historic rating?
6. Would the Commission support awarding positive six (+6) points for heating the public sidewalk along the north property line?

Randy Hodges, Hodges/Marvin Architects, (Agent): Presented historic photos of the original historic east elevation of the Theobald Building that is to be completely restored. Goal is to return to the original historic condition. The north elevation would be changed to accommodate new window penetrations and entries for additional retail space along the sidewalk. Windows would be added if modification is approved. Digging of the basement would begin by digging from the back (west end) of the building and going underneath. The windows on the north side were to be added to add light to the interior of the building and create interest along the sidewalk.

Wayne Brown (Attorney), West, Brown, Huntley, and Thompson: Concerning the landmarking the building and not changing the floor elevation: need to lower the floor to meet required handicap access for all parts of the building. The historic structure next door complicates digging the basement (can’t use all the density that is allowed beneath the building). This reasoning should support a variance.

Robin Theobald (Applicant): Elevation of the interior floor would change but not the elevation of the exterior of the building.

Mr. Khavari opened the hearing for public comment. There was no public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Bertaux: Is Staff considering or suggesting language for a variance? (Mr. Mosher: We would like the Commission to give Staff some direction and then we would consult with the Town Attorney for the actual language.) Great project. The building needs renovation and was glad to see this type project going on. Interior floor elevation change is fine. A survey would be recommended to track any elevation before and after the renovation. The allowed basement density beneath a historic structure is not really “free” but a relocation of this density beneath a small portion of the new construction would be OK. The resulting vitality to this end of the block is good. Do not support awarding any negative points for the remodel of the building as the resulting vitality is important. Support awarding positive six (+6) points for heating the public sidewalk. Seeking National rating is up to the property owner. Supported lowering the historic rating as the building would still meet state requirements within the Conservation District.

Mr. Allen: If density on the new structure is deemed appropriate, would TDRs be an option? (Mr. Neubecker: The historic district is not a receiving area, so TDRs would not be allowed.) Asked Mr. Hodges to explain the metal cornice that would be used on the new north entry. (Mr. Hodges: A building that was being torn down in Texas was where the historic cornice came from.) Noted that Doug Carrs’ property received positive points for internal circulation. Can we apply like points here? (Staff presented the proposed circulation patterns on the site to the Commission and discussed the Carr application and the points assigned to that application. Staff will look to the code to see if points can be assigned. Staff also pointed out capital improvements do warrant positive points, but this

- project is not in the capital improvements plan.) Supported lowering floor elevation as it will not be noticed. Allow the basement density but did believe this is a relocation of the allowed density and not “free”. Public benefits far exceeded code issues with this application. Supported alterations to historic structure. Respecting the historic nature, respected integrity and supported positive points for heating sidewalk. Supported allowing the lowering of the rating. Maybe add positive points for public sidewalk but maybe penalize for energy consumption.
- Ms. Girvin: On the north elevation existing entry feature, there are architectural “do-dads”. When were they added? (Mr. Theobald: added in the 1970s.) Were any more windows found that have been covered up? (Mr. Theobald: Yes, in the north and south elevations and one in the second floor.) Asked if footers will support the building. (Mr. Hodges: clarified the support structure for the basement and outlined its location.) How do you get underneath to build the basement? (Mr. Hodges: stated they would shore it up like a mine and enter through the back of the building, then work toward the sides. Furthermore not all of the basement is beneath the existing building; some is under the new addition.) No problem with lowering the floor. Proposal to bring basement walls back would be the same square footage, thus be a relocation of density but not “free”. Changes are in balance with connection to River Walk. Not keen on the large lower level windows on north elevation. If you look at other historic structures lower windows aren’t present elsewhere. The historic fabric would be removed if these three windows were added. Lowering the historic rating is ok. Not in favor of heating sidewalks or driveways for it’s a terrible waste of energy but would support heating this sidewalk in this case, just not sure about positive six (+6) points for the public benefit as a result.
- Mr. Khavari: On the Phillips garage were negative points assigned? (Mr. Mosher: No.) Have negative points ever been assigned for relocation. (Mr. Neubecker: Yes, negative points have been assigned for relocation in the past.) This is a good project, but a bunch of things that we are seeking variances for may start a precedent which is a concern. Basement is ok underneath the historic and non-historic floor structure. What is the approximate square footage of the heated sidewalk? (Estimates were given but staff will look into it and report back.). # 1 yes. #2 not free density just relocating. #3 Yes. #4 Yes, work with windows by adjusting sizes or numbers. Ok with rating and ok with heating not sure about positive six (+6) points.

2. Blue Front Bakery Restoration, Local Landmarking and Redevelopment (MM) PC#2007140; 114 Lincoln Avenue

Mr. Mosher presented a proposal to completely restore the historic Blue Front Bakery, locally landmark the structure and develop the remaining available mixed-use density at the eastern portion of the site. Commercial/Retail uses were proposed on the main level (near the sidewalk) with an employee unit at the lower level and two apartments on the upper level.

Changes Since the Last Preliminary Hearing

1. The historic building shows a separation of four (4) feet wide with a depression in the façade that is five (5) feet deep.
2. Height of building at rear was reduced.
3. The architecture has been refined.
4. Information regarding the potential development of the property immediately to the west is included in the drawings.

The applicants and agent have met with Staff several times prior to this review. Staff appreciated the effort to have many of the details worked out prior to preliminary review; however, they did have questions for the Commission to comment on:

1. Was the Commission comfortable having the building masses fill more of the property rather than have a back yard with smaller out buildings?
  - a. Though not a Design Standard or Priority Policy, having the rear yard not fully covered was a development character of the Core Commercial Character Area. Would the Commission support having the site show more open space at the northwest portion of the site?
2. Did the Commission agree with Staff’s interpretation of the Historic Standards regarding the upper level windows and the “belt course” on the facades facing the ROWs? We would also like feedback on:

- a. Arched window transoms
- b. Window grouping vs. evenly spaced
- c. Belt course vs. two-story vertical elements

Staff recommended the application return for a final review.

Jane Sutterley (Architect): Pointed out changes to site plan and height of building. Housing unit removed from lower level. Rear yard completely maintained. Entire lower level is all on grade. Grass and picnic tables would be an option. Walkway increased in width. Notch between buildings got bigger and both buildings became smaller. The elevation brings attention to the prominent façade. Enough surface parking to fit 18 foot parking spaces. Showed photos of other buildings in town and their window style and pattern.

Mr. Khavari opened the hearing for public comment. There was no public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Bertaux: Final Comments: Appreciated work to reduce height at rear of building and provide bigger back yard. Concerned about future parking structure. The restoration of historic bakery building is still the jewel in this project. Fine with option B (windows); could go with either on south elevation. Since it would be all new construction, grouped windows would be fine. Supported positive nine (+9) points. Supported arched windows.

Mr. Allen: Can parking spaces be assigned now? (Staff explained complication with assigning spaces now.)  
Final Comments: Agreed with every one of Mr. Bertaux's final comments.

Ms. Girvin: Does a drawing exist of the historic building? (Staff presented photos of the historic building.) No opinion on 1. Preferred a simple look; the court house building across the street and the Exchange Building are very simple. Preferred equal distance between windows and no arches.

Mr. Khavari: Liked how the building was brought back and lowered at rear. Yes on 1. On 2, follow priority policy 48 in handbook and use equally spaced windows. Arched windows would be fine, more relaxed. Ok with positive nine (+9) points.

3. Buffalo Crossing (MGT) PC#2008052; 209-211 North Main Street

Mr. Thompson presented a proposal to add solar panels to the previously approved residential structure, and install an exterior sunken areaway to provide access to the basement housing unit under the approved residential building, and also provide access to a new proposed basement under the existing 360 square foot historic shed. A recommendation for local landmarking is also sought with this proposal. A change of use to coffee shop is also proposed since previous approval recently expired.

Alice Santman (Agent): Bello project referenced. Solar panels will be 3 to 3 ½ inches off the roof. Honeycomb color which is really dark.

Staff recommended the application return for a final hearing.

Mr. Khavari opened the hearing for public comment. There was no public comment and the hearing was closed.

*Commissioner Questions/Comments:*

Mr. Allen: Final comments: Thought positive points should be awarded for renewable energy if it is installed. Below grade, at areaway, siding should be historic and not at odds with priority policy. Ok with change of use and fine with both proposed ideas. Parking ok and landmarking and buffers.

Mr. Bertaux: Stairway around sunken grade, would it have a railing detail? (Applicant pointed out yes, and showed where railing would be needed.) Agreed with Mr. Allen's final comments. On parking spaces, pointed out that if a restaurant goes to retail, the town will not "buy them back", or refund any payments. (Applicant was OK with this.) Siding should be exposed panel. Landmarking ok and statue fine.

Ms. Girvin: What are we commenting on today? (Staff: Are solar panels ok? Landmarking of cabin? Addition of statue for public art? Exterior access vs. Policy 192 policy? Siding on below grade?) Sought clarification regarding employee housing and storage access. (Applicant explained access points and pointed out there would be storage under the cabin.) Where are the employee housing

windows? (Applicant pointed out window locations.) Employee unit under garage is not dignified. Solar is ok only if actually installed. Local Landmarking of cabin is fine. Concrete foundation covered by river rock may be an option; something to improve the concrete should be done. Thought statue was generic and could be better. Heated drive should not be allowed in the town; did not agree with them. (The applicant sought clarification on heated concrete and what she meant on comment.) Explained a philosophical concern with heating driveways.

Mr. Khavari: Confused about lower level employee housing. Agreed with Mr. Allen's final comments.

**WORKSESSIONS:**

1. Silverthorne House, 300 North Main Street (JS)

Chris Neubecker presented the staff report on behalf of Ms. Skurski. The primary questions were whether it would be acceptable to move the main building forward 20 feet, move the shed to the rear of the house, rotate the shed 90 degrees, and remove the existing trees in the front yard. Existing trees in poor health according to Mr. Herwehe's letter.

Dave Hartman (Applicant) explained that after several unsuccessful hearings at the Planning Commission, he would like to start over on the design of the site. To do this, he was requesting that the Commission weigh in on the issues presented by staff. By moving the structures, there would be the reestablishment of the front yard with the removal of the curb cut off of Main Street and removal of driveway. The buildings would have foundations installed and be restored to last another 100 years. Mr. Hartman also explained his opinion that Section 6 of the Handbook of Design Standards on relocating structures does not apply to buildings being relocated elsewhere on site, but only to structures being relocated to a different lot and therefore should not be applicable in this case.

*Commissioner Questions/Comments:*

Ms. Girvin: Open to buildings being moved as long as it enhances the historic nature of the house with new landscaping indicative of the historic time period. Also, the future development should be complimentary to the house and its historic nature. Disagreed with and questioned Rick Herwehe's credibility if according to his letter, the tree in front is a narrow leaf cottonwood. It is a balsam poplar (Balsam of Gilead). Suggested a landscaping plan that encourages the balsam poplar trees that were planted in historic Breckenridge. The Town is losing the species of trees that people planted in the past and replacing them with aspen, which do not look good in a landscape plan. Presented info from the forest service regarding the balsam trees for the applicant. Gaining landscaping area in the front yard would be beneficial.

Mr. Allen: Agreed with Ms. Girvin and supported moving of the house and shed but pointed out that negative points will be assigned when the application comes forward.

Mr. Bertaux: Agreed with Ms. Girvin that it is not a cottonwood tree but a balsam poplar. Supported buildings being moved if the other remaining healthy balsam tree in the front yard that is proposed to remain is properly cared for. Liked the relocation of the barn and encouraged the applicant to make it an affordable unit in the future plan. Liked the metal fence which is in the front yard and would suggest carrying it along the southern property line to address issues with Edleweiss Condos that the applicant previously mentioned. Supported the efforts to restore this important building. Would prefer to see the building restored in its original location.

Mr. Khavari: Open for moving the structures as long as everything fits in the rest of the plan which is forthcoming and if a great job on the restoration occurs. Benefits of restoration efforts justified moving the structure. Problems before were too much program on the back side of the lot and must watch that with moving forward on design. This is a work session item and if the future back lot development does not fit, cautioned the applicant that general relocation approval may change.

2. Landscaping Policy (JC)

Ms. Cram presented changes to the Policy 22 - Landscaping since the February 19<sup>th</sup> and March 4<sup>th</sup> Worksessions.

Questions: Should defensible space be an absolute or relative policy? Should a holistic approach with regard to forest health and species diversity be considered in order to receive positive points? Should the point multiplier be reduced to +2, +4, +6?

*Commissioner Questions/Comments:*

- Mr. Allen: Smaller lots within the conservation district need special consideration. Eight points should be an option for larger lots outside of the conservation district, strongly in favor of keeping eight points as an option. Two points should be an option as well. Forest health and species diversity should be encouraged. If defensible space is an absolute outside of the conservation district, need to have variance process for narrow lots.
- Ms. Girvin: Liked taking a more holistic look at landscaping. Keep in mind shrubs and native plantings of wildflowers replacing critical links in the chain of life. Regarding water features, “excessive” needs to be defined.
- Mr. Bertaux: Argument to be made to go to +2, +4, and +6 if folks think landscaping points are being given away. Perhaps forest management and landscaping should be separate, or more verbiage is needed to clarify how points will be awarded. Defensible space should be an absolute policy.
- Mr Khavari: If you really want forest management, make it an absolute policy. Two points would be fine because sometimes four points is too much, especially in the conservation district, where two points would be more appropriate. Thought +2, +4, and +6 would be good, worried a little bit about + 8, may really allow for bad design to pass such as excessive stucco, wood burning devices, etc. More verbiage with examples may help.

### 3. Sutterely-Kilgore Remodel (MGT)

Mr. Thompson presented a request to make modifications to the Sutterley residence, including a change to the siding of the front building (by exposing the logs), changing roof material at the front building to metal roof with a cut shake roof on the middle section to reduce snow shedding. Applicant also requested removing a few inches of shed at rear of property, so that building can meet setback requirement of building code. Material would be removed where shed connects to garage. Staff would process changes as Class D if OK with Commission.

Janet Sutterley: Bevel lap siding was clarified. Discussed excessive size of shed and how 3-5 inches would be shaved off.

#### *Commissioner Questions/Comments:*

- Mr. Khavari: Sought clarification on how old the siding was. (We think it is from 1952).
- Mr. Allen: Thought the log was cool and would encourage its use.
- Ms. Girvin: Would like to see siding stay on the house. No problem with 3-5 inches shaved from the shed. (Mr. Grosshuesch pointed out that the siding was not historic if from 1952.)

Entire Commission was OK with applicant using class D process for modifications.

#### ***TOWN COUNCIL REPORT:***

There was not a representative present from the Town Council; therefore, there was no Town Council report.

#### ***OTHER MATTERS:***

Mr. Neubecker discussed Council’s wish to draft an ordinance to replace the Council member serving on the commission with a citizen. Would likely be done as two readings, and would have a new Commissioner by July 1<sup>st</sup>.

#### ***ADJOURNMENT:***

The meeting was adjourned at 11:01p.m.

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Mike Khavari, Chair