



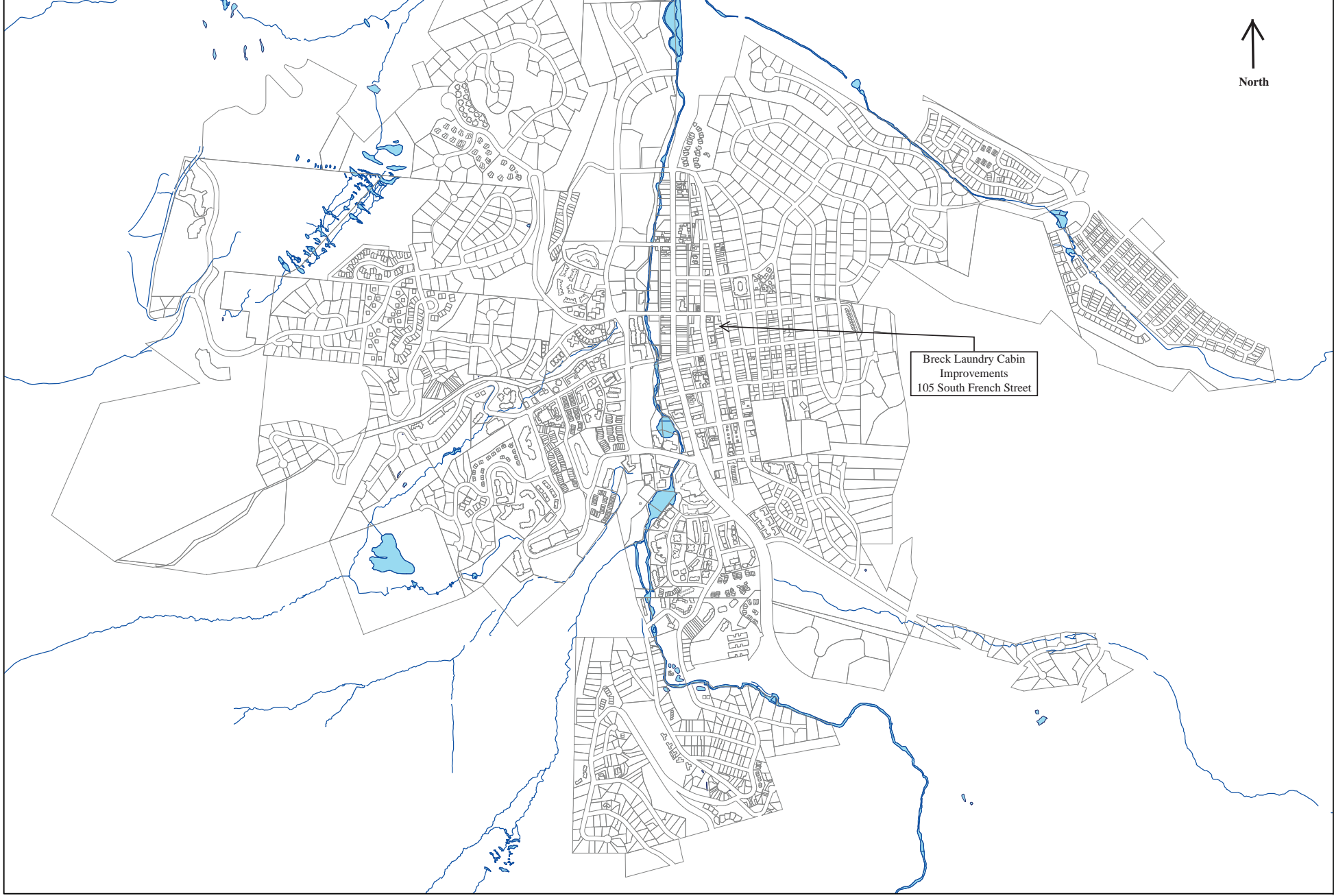
PLANNING COMMISSION AGENDA

Tuesday, January 21, 2014
Breckenridge Council Chambers
150 Ski Hill Road

7:00pm	<i>Call To Order Of The January 21 Planning Commission Meeting; 7:00 P.M. Roll Call</i>	
	<i>Location Map</i>	2
	<i>Approval Of Minutes</i>	3
	<i>Approval Of Agenda</i>	
7:05pm	<i>Worksessions</i>	11
	1. Code Amendments: Temporary Structures	12
	2. Code Amendments: Policy 80A Connectors	14
	3. Code Amendment Worksession: Condo-Hotels	15
8:30pm	<i>Town Council Report</i>	
8:45pm	<i>Combined Hearings</i>	18
	1. Breck Laundry Cabin Improvements (MM) PC#2013115; 105 South French Street	
9:15pm	<i>Other Matters</i>	
9:30pm	<i>Adjournment</i>	

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

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



not to scale

Breckenridge South

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PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Jim Lamb Eric Mamula Trip Butler
Dan Schroder Kate Christopher Gretchen Dudney
Dave Pringle arrived at 7:10pm
Jennifer McAtamney, Town Council Liaison absent

APPROVAL OF AGENDA

The January 7, 2014 Planning Commission meeting agenda was approved unanimously (6-0).

APPROVAL OF MINUTES

With no changes, the December 3, 2013, Planning Commission Minutes were approved as presented.

CONSENT CALENDAR:

1. AT&T Cellular Installation at Red, White and Blue (MGT) PC#2013112, 316 North Main Street
2. Fox Center Change of Use (MGT) PC#2013114, 305-311 South Ridge Street

Commissioner Questions / Comments:

AT&T Cellular Installation at Red, White and Blue:

Mr. Mamula: We are doing both a cupola and a parapet? (Mr. Thompson: It won't change the appearance of the building. The southeast corner is where the new mechanical room addition is proposed, flat roof.) Have any neighbors made any comment? (Mr. Thompson: This is Class C and requires no public notice. The Town Attorney has advised not to notice applications that do not require notice.) It is not small, it is a full story, I have concerns about the size and that the neighbors are not notified. (Mr. Thompson: This won't make the building any taller. We explored the idea of attaching it to the rest of the building with the applicant, but it didn't fit anywhere else. It looks better this way than just having the equipment exposed.) I think it makes the building look odd from the alley, if I was a neighbor I might be annoyed. There are some houses nearby that will look on to this. (Ms. Puester: I think it should be called up if there are concerns.)

Fox Center Change of Use:

Mr. Mamula: How many parking spaces in the underneath garage like structure? (Mr. Thompson: The proposal is to take 10 parking spaces to be reserved for the new residential units out of the 21 existing parking spaces.) Is there elevator access to the parking? (Mr. Thompson: There is not. They have to work with the building department on accessibility.) You are good with this? (Mr. Thompson: Yes, we are good with this and we discussed that there would be assigned parking spaces to the units. Can't qualify for residential parking permits but they could get overnight parking permits at ice rink. The elevator decision will have to be made through the building department as it is a building code issue, not a development code issue.)

Mr. Mamula made a motion to approve Item 2 on the Consent Calendar (the Fox Center Change of Use, PC#2013-114, 305-311 South Ridge Street with the attached findings and conditions). Ms. Christopher seconded, and the motion carried (6-0).

Mr. Mamula made a motion to call up the AT&T Cellular Installation at Red, White and Blue, PC#2013112,

316 North Main Street. Mr. Schroder seconded and the motion was carried unanimously (6-0).

Mr. Thompson gave a presentation on AT&T Cellular Installation at Red, White and Blue, PC#2013112, 316 North Main Street. It doesn't increase the height but it does change the appearance of the back of the building. Staff worked with the applicant, Ms. Julie Noonan. Staff does believe that this is the best place to put the equipment after talking with the applicant on existing rooftop and building equipment. (Ms. Dudney: When the building was designed in the first place if this structure on it, would it have any problem getting planning approval?) Ideally it could have been approved, but may have been able to be more hidden.

Ms. Julie Noonan, Vertical Real Estate, Denver Colorado:

The plan is to patch a significant gap in coverage by AT&T. We want to fill the gap for safety reasons, most renters and visitors do not have landlines and if they don't have good coverage on the mountain or while in town this can be a problem. Red, White and Blue Fire Department has signed off on these plans. We have previously provided the names of the surrounding neighbors but we were told because this was Class C that we wouldn't need to contact them. I could take questions and concerns back to the architects.

Commissioner Questions / Comments:

Mr. Mamula: What is the actual height of the addition? What is the exposure you are going to see? (Mr. Thompson: The height is 11'6" but the parapet covers some so it is around 8'. Ms. Noonan pointed out to me the mechanical structures and air conditioning units shown are existing.) (Ms. Noonan: No other place to put the additional equipment because of the existing mechanical unit and air conditioning equipment.) (Mr. Thompson: Ms. Noonan did provide a letter that this equipment complies with all FAA and transmitting regulations.) It seems like the equipment doesn't take up the whole interior of the space of the equipment room. (Ms. Noonan: They save some space in this area in case there are other carriers who want to share the antennae space. I venture to guess is that AT&T will use the majority of the unit. Typically, we want a 25 year lease for this structure. We've reduced the term of the lease to 15 years in hopes that we can be more accommodating.) (Mr. Grosshuesch: If you look on Page 16 of the packet, the C2 drawing elevation, the mechanical room is recessed back in on the roof and not obtrusive from Main Street.) I understand that but it is obtrusive from the back for the neighbors behind this already big building. (Mr. Thompson: Pointed out the various equipment on the existing roof and existing mature landscaping in the photos.)

Mr. Schroder: When I'm looking at the C2 drawing, could you tie the new space with a faux look? (Mr. Thompson: The air handler needs air so it can't be covered.) This is already a big structure, mechanical storage, there are big trees blocking it, so it seems that this new structure will fit in over time, it would grow on us pretty easily.

Mr. Lamb: It only affects a few houses on the hill behind. (Ms. Puester: Is your concern that it isn't architecturally compatible?) I'm concerned that we are going to get an angry letter from neighbors. I don't have code concerns with the application. I just have people concerns.

Ms. Dudney: This falls under a Class C because it falls under a commercial structure, so it would be approved it as an improvement to an industrial structure.

Mr. Pringle: I don't have any code related issues. I would like to see the roof organized better so the new structure wasn't sitting on its own, but other than that I don't think that this addition is going to be too objectionable.

Mr. Schroder: I have not code related issues.

Ms. Christopher: I have no code related issues, I feel like it is a good design.

Mr. Butler: I don't have any code issues either but I don't know what the neighbors will think.

Mr. Mamula: I think it is architecturally incompatible with the building, it has a flat top on it, there is no intent to make this blend at all. I think there is an issue with the code if something like this

that can go through without hearing from the neighbors. You need to let people who live in the neighborhood have a say. I would give negative points to this for architectural incompatibility, policy 5R. The addition doesn't even fit with the building design itself. Stands out too much.

Mr. Lamb: I have similar concerns with it being incompatible, but I can hesitantly give it approval. I am worried about the neighbors. Are there any motions to change the point analysis?

Mr. Mamula made a motion to change the points to a negative three (-3) under general architectural incompatibility, Policy 5/R. Mr. Lamb seconded. Ms. Christopher, Ms. Dudney and Mr. Schroder voted no. Mr. Mamula, Mr. Pringle, Mr. Butler and Mr. Lamb voted yes. The motion carried (4-3).

Continued Discussion:

Ms. Noonan: The Structure can't be pushed closer to the building. (Ms. Puester: Would you like to continue the application and come back with modifications?) I don't know how to proceed. It seems like we are proceeding correctly with not noticing the neighbors. (Ms. Puester: With the negative three (-3) points, your project won't pass due to architectural incompatibility. (Mr. Thompson: The only thing you could change to not receive the negative points would be to change the architecture. I don't see where you could make up positive points as a lessee on an existing building.)

Mr. Mamula: If you had more of a pitched roof on the shed it could be more compatible, this might help. The way the existing parapet is constructed is to mirror something on old Main Street. Need to blend this in more.

Ms. Dudney: If the applicant came forward with some kind of line of sight renderings and the neighbors agreeing with it, would this change your mind?

Mr. Mamula: No, it needs to be architecturally compatible.

Mr. Pringle: I agree with Mr. Mamula; it could be re-designed so that it would incorporate it better with the existing building. (Mr. Grosshuesch: Did you notice how the siding and detail matches?)

Mr. Mamula: It doesn't mimic any other roof lines, pitched roof? (Mr. Thompson and various Commissioners made some rough drawings to pitch the roof.)

Ms. Christopher: I think they've done a lot of things to make this look better than other industrial additions. (Ms. Noonan: It would add height to the roof and the neighbors may have more of an outcry of the additional height with a gable.)

Mr. Pringle: Our decisions will be code based, not public opinion. I want this to be approved but it needs a little more work. You're close but need a little more compatibility.

Mr. Lamb: We do understand the safety concerns but we want the compatibility element addressed. (Mr. Thompson: If they add this roof, Mr. Grosshuesch pointed out that it could make the application fail because the height increase will cause negative points.)

Mr. Mamula: If you look at photograph C1, it looks like there is room to readjust, south view, there are pitched elements on the south view, east to west, that the equipment on the inside could be readjusted and that there is a large portion that is empty. The pitch would need to go the opposite way, east to west, like the view looking north.

Mr. Lamb: Could the walls go down with a lower roof?

Mr. Butler: There is the parapet with the band, could you drop down the band.

Mr. Pringle: There should be a way to connect it to the existing wall or mimic an existing roof. (Ms. Puester: Would you like to request a continuance?) (Ms. Noonan: Yes, I would like to request a continuance, but I need guidance.)

Mr. Lamb: It is hard to give you direction without actually designing it, but we want it to be more consistent with the rest of the building so that it will be more compatible. We have consensus that this is fixable and that we can get this to work.

Ms. Christopher: Don't be discouraged, we need another cell phone tower, we can get this through.

- Ms. Dudney: Since we operate with the code, the basis of this rejection, excessive similarity or dissimilarity to the structure it is being added too.
- Mr. Lamb: Staff will work with you too on ideas to help get this through. We want to get this through.

Mr. Mamula made a motion to continue AT&T Cellular Installation at Red, White and Blue, PC#2013112, 316 North Main Street, to a date to be determined by the applicant and staff. Ms. Christopher seconded, and the motion was carried unanimously (7-0).

PRELIMINARY HEARINGS:

1. Epic on French Duplex (MGT) PC#2013113, 308 North French Street

Mr. Thompson presented a proposal to construct a new, 3,538 sq. ft. duplex with an attached 649 sq. ft. garage. Each unit will be comprised of three (3) bedrooms and three and a half (3 ½) baths, two gas fireplaces, a one car garage and one outdoor tandem parking space. Access is proposed via a shared driveway with the lot to the south. The design includes two small covered porches at the entrance to both sides of the duplex on the west and east elevations. Exterior materials are comprised of horizontal 4” reveal James Hardie Artisan painted lap siding, natural wood trim, and a natural moss stone 16” veneer and chimneys.

Changes from the September 3, 2013, worksession:

1. The mirror image of the duplex has been eliminated.
2. Connectors have been redesigned.
3. The primary façade width has been adjusted to have depth equal to offset setback to appear narrower.
4. 3’ wide windows have been removed.
5. Lower oval windows have been removed.
6. Intersecting gables have been removed.
7. Barn doors have been redesigned.
8. Full height chimneys per Town of Breckenridge comment.
9. The landscaping plan has been revised and increased sizes have been added.
10. The solid to void ratio of windows has been revised.
11. All upper roofs are asphalt shingles.
12. All lower roofs are 7/8” corrugated mill steel.
13. Stone veneer not to exceed 18” has been added at foundation.

Commissioner questions:

1. Did the Planning Commission believe the primary façade has been designed to portray 1 and ½ stories tall? Did the Planning Commission believe the two-story aspect of the façade is adequately setback from the street?
2. Is the Planning Commission comfortable with the designers considering paint, painted stucco, or exposed fasteners 24 gauge flat mill steel instead of the stone base? Staff is concerned with any proposal other than stone for covering the foundation. Staff welcomed any Commissioner comments.
3. Staff believes the proposed shared driveway deserves positive one (+1) point under this policy (18/R). This would require an easement across the lot to the south. Did the Commission concur with positive one (+1) point?
4. Staff believes that at least two of the 6’ to 8’ spruce trees in the front yard need to be increased to 10’ and 12’ in height to be large enough to have immediate visual impact and meet this design standard. If the landscaping revisions discussed in the report are met, Staff may support positive two (+2) points for the landscaping plan. Did the Commission concur?

The applicant displayed R Panel versus the corrugated metal roof for discussion.

On energy conservation, the applicant was trying to make this a LEED certified, HERS index 41-60 would

receive a positive points. Optional solar panels are proposed on connectors.

The Planning Department recommends the Planning Commission allow this application to go to a Final Hearing as the applicant has agreed to lower the above ground UPA below 9.0 UPA. Staff believes that adjustments need to be made to the landscaping plan, foundation treatments, the rear module needs to be at least two feet lower than the connector element, and the chroma of the body color needs to be reduced a maximum of 4.

Commissioner Questions / Comments:

- Ms. Dudney: If you go to the rendering on our plans, I have question on the setback. The second floor appears that it is in line with the gable with the pop out below it, it looks like a two story element. But the plan view does not look like it is the same. (Mr. Thompson: The architect can address this.)
- Mr. Mamula: I'm assuming that staff is also indicating that it is failing 80A for the connector height? (Mr. Thompson: Yes that is correct, Eric. But the applicant has agreed to make all the changes.)
- Mr. Schroder: I only see 4 parking spots for 6 bedrooms total. (Mr. Thompson: A single family house needs to have 2 parking spots and a duplex is required to have 4 parking spaces, it is not designated based on number of bedrooms. A third roommate couldn't get a residential parking permit to park on the street as the required parking will be provided on-site for this duplex.
- Mr. Pringle: What requirement does the property to the south have with their parking, because they load it up pretty good? (Mr. Thompson: Yes, this was discussed so that the neighbor does not need to change their rear parking area, staff would like to allow the present condition to remain.) I own the property immediately to the East.
- Mr. Lamb: Does anyone have an issue with Mr. Pringle being a part of this discussion? (No objections from anyone.)

Applicant Presentation: Mr. Garrett Hasenstab, Applicant, Mr. Greg Jordan, Applicant, and Ms. Mary McCormick, Architect:

Mary McCormick, Architect: Brought a color board and colored landscape plan. The six issues, the 9UPA, has been taken care of. The trees in the front are shown, landscape plan shows the buffer. I can agree with the swap of the spruce tree and the cottonwood around the parking area. Milled steel was proposed in the recessed patio area so that the module and connectors act as different elements and at the base of the patio area. (Ms. Christopher: Are they large squares that are attached one over the other?) No, they are full length sheets. (Mr. Lamb: When would the wood start, how far above grade?) 8" base continuous around the patio, and near the garage the grade would come up to it so it would be a clean detail of about 8", the foundation will not be exposed. (Ms. Dudney: No stucco?) No stucco, either steel or stone. Resolution for the connector height is in motion. The Munsell Book of Color system is new to me but our plan will conform. To answer the question about the front façade and low sloping roof, the second floor comes back 6' but the roof comes back 8'. (Ms. Dudney: I can read this better on the color rendering you brought.) Showed the corrugated R-panel steel proposed for the lower roofs comes pre-painted. We would like your opinion on this. We are prepared to bring moss stone and a lighting sample for our final hearing. Solid / Void ratios on entry doors are 1/3 to 2/3.

Commissioner Questions / Comments:

- Ms. Dudney: Metal foundation cover, why do you prefer this over stone? (Ms. McCormick: It is preferable for maintenance for shovel and clean off patios and to set the base for the connector element. The milled steel would just be in the patio and connector elements only. The stone would be around all of the rest of the building foundation except for the inset patio and the connector. Pavers will have an inset to hold the pervious patio together.)
- Ms. Christopher: Do we have any precedent on using multiple foundation materials? (Mr. Thompson: There is

no discussion of any steel for foundation covering and many historic buildings did not have an exposed foundation. If there was an exposed foundation it would have a low covering of stone not to exceed 18” above grade. Historic guidelines discuss simplicity and not a lot of ornate details. We did approve steel on Mountain Goat. We have completely corrugated steel on other buildings around such as the old Racers Edge. My concern was the use of different materials.

Mr. Butler: It seems like a good project.

Mr. Schroder: The Historic District Guidelines encourage parking in the rear, but I like that with this give and take. I’m supportive of the side parking and that it is shielded well.

Mr. Pringle: It seems like the lot drops off from west to east significantly and we don’t seem to be taking that into consideration. Would you consider making a grade break to the existing grade to break up the module? (Mr. Thompson: I agree that it would be preferable.)

Ms. Christopher: Are they proposing to fill it? (Mr. Thompson: I would like to let the architect explain that.)

Mr. Pringle: Concerned about the big drop this will create. (Mr. Thompson: I understand and agree because this is where the nice pocket of existing trees and I would hate to lose them to grading.) (Ms. McCormick: Refer to A 2.4 drawing, General Section. I stepped down the garage and the rear unit. In the effort to meet the connector requirement and make sure our second floor is connected, we couldn’t drop down the main building roof and still meet the connector height rule. The building and grading plans will meet the standards for drainage for the town.) I would like to see the building drop down with the grade in the rear of the lot.

Mr. Mamula: I have to say, this is happening because we’ve allowed connectors to be living areas and not just connectors. We’ve made the 2’ rule and that is why we are getting this problem and the connectors have spun out of control. I think we need to bring this up with Council. Height of the connector should be clearly lower than the masses they connect. The Code says at least 2 feet lower, not necessarily just 2 feet.

Questions for Staff:

Mr. Mamula: Connectors: I think it should be lower, it is reading as a long undisturbed roof line. Connectors are still an issue for me. Foundation Covering: I don’t mind the use of a new material, but how the module is now, it’s not going to be all stone. It is going to read as very fake now. If built in the 1800’s the module would be all a stone base and the connectors could maybe something different, metal ok there. Façade: I think the primary façade reads correctly with the rest of the street. Driveway: I’m good with the shared driveway, but I think you need to be careful with who your neighbors are; always overcrowded there. I agree with everything else that the staff brought up and you all did a good job.

Mr. Butler: Primary façade looks great. The two story aspect is adequately set back. The connector should have the steel not the module. I concur with Staff’s comments on trees.

Ms. Christopher: Thank you for all the changes. I agree with the façade. I have a concern with a change of use of metal to stone. I think stone is more historically accurate, but I’m not good with two different materials. Good with changing the landscaping to hide the driveway and make the trees bigger. I’m good with the shared driveway and I commend your changes.

Ms. Dudney: You did a good job portraying the one and half story. I agree; I don’t see the code stating you need to make the connector smaller but I agree with Mr. Mamula. I don’t have any objection to the mix or the metal but I agree it should be consistent on the module. I agree that the landscaping sizes should be increased and I support the shared driveway.

Mr. Pringle: I have a question on the front façade and the shed roof and that we would look at the primary roof shed as one storey and not the total at one and a half. I see that it reads as a one and a half story, I don’t have a problem with this. (Mr. Thompson: Code says 1 to 1 and a half story). The flat mill steel I don’t have a problem with the material, but I think the major residential module with the stone and only incorporate the metal on the connector elements.

I don't have a problem with the shared driveway but I would caution you with your agreement with the Chalet House and the residential unit, this is a pretty busy driveway as it exists you will need a tight agreement with these neighbors. Also the snow stacking has been pushed against the back fence all the time. I agree with moving the spruce out of the back corner. Finally, this is a night and day project when you first brought it in. I do wish you could have broken the roof lines a little bit more; it sure would look nice if you could step it down. (Ms. McCormick: Please take it in consideration that the connectors are offset so it will look different when built.)

Mr. Schroder: I concur with Mr. Pringle. I like the steel but keep it on the connector. Question 1: I agree with the façade and that it is adequately setback. The driveway, I am supportive to increase landscaping to make this robust and to make an immediate impact from the street.

Mr. Lamb asked if the Commissioners supported the R Panel roof material:

Mr. Mamula: No.

Ms. Christopher: Could this ever be stained or weathered for the R panel? Yes.

Mr. Butler: Yes.

Ms. Christopher: It feels like a shed not a house; I have a problem with the solid painted color. It should weather.

Mr. Pringle: I believe that corrugated is the appropriate material for the Historic District, but a regular shingle is a better look. Don't paint it, doesn't weather well.

Ms. Dudney: It doesn't bother me; I think it should be weathered not painted.

Mr. Schroder: I would like to see this when it is done.

Mr. Lamb: I do think it looks like a one and half story building. I am hearing the concerns with the milled steel. I think it could be done, but the group thinks it should be consistent on module vs. connector. I would recommend doing the larger trees even though you don't need points and I like the shared driveway. I think a standard corrugated rusted roof would like better. I think there is precedent for using this material. (Ms. McCormick: I don't mind the recommendation to use all shingle, the rear unit's family room area is the intention to bring it down to single story height, does the corrugated metal make it more barn like or should there be shingle on the roof as a one story element.)

The Commissioners gave their opinions on what they like about corrugated metal when it looks like it on "added-on" elements. Weathered metal is more historically preferable. No opinion on how it gets weathered.

Mr. Lamb opened the hearing to Public Comment:

Mr. Michael Cavanaugh, 208 North Ridge and Unit 10, Val D'Isere: I would like to see the James Hardie lap siding and have a question on if these modules are built on site or if they are brought in as modules. (Ms. McCormick: This is a hybrid.) (Mr. Thompson: Would the Commission prefer to see a Hardie board with the imitation wood grain or with the flat?) (Mr. Mamula: I thought in the historic district we prefer to see smooth to look like paint?) (Ms. Dudney: This isn't in code?) (Ms. Puester: Inside the historic district it is standard that it is a smooth board.) (Mr. Lamb: Is everyone in agreement?) Is it fire retardant? (Mr. Thompson: Yes it is cementitious siding, Hardie board.) It looks like a good project.

There was no more public comment, and the hearing was closed.

Mr. Hasenstab: Based on your and staff guidance, when might we be able to proceed with final hearing? (Mr. Lamb: That is up to staff, based on the direction we've given you. It is based on the schedule too.)

OTHER MATTERS:

1. Class C Subdivisions Approved July - December, 2013 (Memo Only)

Ms. Puester presented a memo listing the Class C Subdivisions approved from July to December of 2013.

ADJOURNMENT:

The meeting was adjourned at 9:04 p.m.

Jim Lamb, Chair



MEMORANDUM

TO: Planning Commission

FROM: Julia Puester, AICP, Senior Planner

DATE: January 10, 2014 for meeting of January 21, 2014

SUBJECT: Code Amendments Worksession: Policy 80A Connectors, and Policy 49 Temporary Structures

The Planning Commission and Staff continue to identify sections within the Development Code which result in outcomes which are not in character with the Town or need updating to reflect current development standards.

The purpose of this memo is to discuss possible modifications to Development Code items listed below intended to address some of these insufficiencies.

Temporary Structures (Policy 36)

The existing Temporary Structures policy is rarely used in its existing form. For example the Breckenridge Ski Resort sprung structure building and Beaver Run Resort summer event tent are regularly occurring development permits for temporary structures which have been approved year after year and do not meet the policy. Staff rarely sees a temporary structure proposed which meets the current policy of only being permitted as a replacement use when a building permit is active on site hence, requiring variances and/or development agreements. Therefore, staff would like the Planning Commission to consider modifications to the policy that would address what is needed to meet common occurrences in town to avoid having to process variances and development agreements.

Priority Policy 80A Connectors (Handbook of Design Standards for the Conservation and Historic District)

The Planning Commission and staff have voiced concerns with priority policy 80A regarding the existing language, *“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.”* Two feet has been taken literally, even in the cases where the principal mass reads as two stories, resulting in tall connector elements which closely resemble the principal structure massing. As a product, we see an unnatural appearance of an overall large mass out of character with the Historic District. The modification proposed would limit connector elements to one story in height.

Staff would like to get Planning Commission direction on the items above. Staff has attached proposed code changes in ~~strike~~ and **bold**.

Section 9-1-5: Definitions

TEMPORARY STRUCTURE: A structure other than a vendor cart or construction trailer, intended to be utilized for a specified period of time of not less than four (4) days nor more than ~~two (2)~~ **three (3)** years that is not intended as a permanent structure, ~~and does not provide a permanent foundation or underground utilities.~~

9-1-19-36A: POLICY 36 (ABSOLUTE) TEMPORARY STRUCTURES:

The placement of temporary structures ~~within the town is strongly~~ **outside the Conservation District are discouraged. The placement of temporary structures within the Conservation District are prohibited.**

A. Temporary Structures Or Uses: Temporary structures as defined in section 9-1-5 of this chapter are allowed subject to the following conditions:

- ~~(1) Temporary structures shall only be utilized to replace an existing structure being demolished on site while a new, permanent structure on the same site is being constructed.~~
- ~~(2) The temporary structure shall have no greater floor area than the structure it is temporarily replacing.~~
- ~~(3) The temporary structure shall not be placed on site until a building permit has been issued, and shall be removed once a certificate of occupancy for the new structure has been issued.~~

(1) Temporary structures may be approved subject to all relevant development code policies.

~~(4)~~ **(2)** The holder of the development permit for a temporary structure shall provide a monetary guarantee to the town, in a form acceptable to the town attorney, ensuring the complete removal of the structure, site cleanup, and site revegetation, once a certificate of occupancy for the new structure has been issued. In addition, the holder of the development permit shall enter into an agreement with the town authorizing the town to take possession of the temporary structure and to dispose of the structure, without the town being accountable for any damages for the loss or destruction of the structure, if the permit holder fails to remove the structure within a reasonable period of time after a certificate of occupancy for the new structure has been issued.

(3) There is never an entitlement to a temporary structure; the decision to grant or deny a requested temporary structure lies in the sole discretion of the planning commission if the structure is a class C development permit, or the director if the structure is a class D minor development permit. When considering a request for a temporary structure, the planning commission and/or director shall consider all relevant circumstances, including, but not limited to, the size and phasing of the development, and relevant development code policies.

B. Other Permitted Temporary Structures: ~~Subsection A of this section does not prohibit temporary tents, air structures, or other similar temporary structures that are not designed and intended for office,~~

retail, industrial or commercial uses, and such temporary structures may be approved subject to all other relevant development code policies.

~~C.~~ **B.** Temporary Construction Trailers: Temporary construction trailers may be utilized for storage or office uses during the construction of a project within the town. The construction trailer's location, size and general design shall be disclosed to the town as a component of the construction staging plan as required by section [9-1-19-29A](#), "Policy 29 (Absolute) Construction Activities", of this chapter. Construction trailers shall not be placed on site prior to the issuance of a building permit and shall be removed upon issuance of a certificate of occupancy.

~~D.~~ **C.** Seasonal Noncommercial Greenhouses: Seasonal noncommercial greenhouses may be allowed when they meet the following criteria:

(1) A seasonal noncommercial greenhouse may be erected and operated only from May 1 to July 1 of the same year. Not later than July 2, the seasonal noncommercial greenhouse (including frame) shall be completely removed from its location;

(2) A seasonal noncommercial greenhouse shall not exceed five hundred (500) square feet in size;

(3) A seasonal noncommercial greenhouse shall be located in the rear or side yard insofar as practical;

~~(4) (3) A seasonal noncommercial greenhouse shall not be~~ **If a seasonal noncommercial greenhouse is placed on a permanent foundation, any disturbed area must be restored to a natural state;**

~~(5) (4) A seasonal noncommercial greenhouse shall be constructed of materials which, taken as a whole, give the appearance of a unified and coordinated design;~~

~~(6) (5) A seasonal noncommercial greenhouse shall be maintained at all times in a neat and orderly condition;~~

~~(7) (6) All materials related to the operation of a seasonal noncommercial greenhouse shall be stored within the greenhouse. The outdoor storage of such materials is prohibited; and~~

~~(8) (7) If a seasonal noncommercial greenhouse is located on land normally used for required off street parking, the greenhouse shall not occupy more than two (2) parking spaces~~ **as long as the property provides more than two (2) parking spaces.**

A seasonal noncommercial greenhouse authorized by a permit issued under this policy shall not count as density or mass.

The director of the department of community development shall not collect an application fee in connection with a class D minor development permit application to construct a seasonal noncommercial greenhouse which is submitted by the owner of a single-family residential structure.

Connectors

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

Design Standard:

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 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 larger masses to be connected are, the greater the separation created by the link should be; a standard connector link of at least half the length of the principal (original) mass is preferred. (In addition, as the mass of the addition increases, the distance between the original building and addition should also increase. In general, for every foot in height that the larger mass would exceed that of the original building, the connector length should increase by two feet.)
- 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 connector shall not exceed one story in height, and be at least two feet less in height than the original, principal mass.**
- When adding onto a historic building, a connector should be used when the addition would be greater than 50% of the floor area of the historic structure or when the ridge height of the roof of the addition would be higher than that of the historic building.



MEMORANDUM

TO: Planning Commission

FROM: Julia Puester, AICP, Senior Planner

DATE: January 16, 2014 for meeting of January 21, 2014

SUBJECT: Condo-Hotel Code Amendments Worksession

DRAFT

The condo-hotel topic has been on the Planning Commission Top Ten list for 2013 and 2014. In October 2013, the Planning Commission held a Retreat which included visiting various condo-hotels in Town. On November 12, a joint worksession was held between the Commission and Town Council where they discussed a potential code revision related to 1) existing small condo-hotel conversion of vacant spaces and 2) new small versus large condo-hotel amenity bonus and density multipliers. The purpose of this memo is to discuss policy options.

Existing Condo-Hotel Space Use Conversion

There are instances of existing small condo-hotel developments which have vacated their spaces that were designated and required to be 24 hour check in desks and meeting facilities. Representatives of existing condo-hotels have indicated that the spaces are no longer functional because of changes in operations. Planning Staff has been approached regarding these unused spaces and whether the Town would consider modifying the code to allow these spaces to be converted to residential units. The Commission visited some of these examples in Town at the October Retreat and discussed this with the Town Council at the joint worksession. Some of the Commission and Council voiced an opinion of allowing existing vacated amenity space, which clearly cannot be used for its intended purpose, to be converted to deed restricted employee housing. Staff would like to proceed with a policy allowing these units to be converted on a case by case basis for deed restricted units depending on a variety of qualifications (i.e. need, location, size, and/or quality) to be determined by the Town Council in a Development Agreement. Staff is proposing a Development Agreement because not all of these vacated spaces may make desirable deed restricted units and we would like there to be the ability to be flexible with the determination and requirements.

- Would the Commission support staff drafting code language taking this direction for deed restricted units? Are there specifics the Commission would like included?

In addition to allowing conversions for deed restricted housing, staff would also like to explore the concept of allowing the conversion if a portion of the revenue from the sale would result in energy audits and possible energy improvements to the existing structures.

Improving energy conservation in existing large multi unit buildings is one of the goals under the Energy section of the SustainableBreck Plan (2012). Larger multi unit buildings are major energy users and the older buildings in particular are very leaky. It also tends to be extremely difficult to have these buildings do energy upgrades due to the high cost of improvements (insulation, windows, doors, etc) and the required majority of voters for such improvements. However, potential energy upgrades to these types of buildings could move the energy consumption needle down significantly for the Town overall. Staff sees the potential revenue from a converted unit sale to make progress toward reduced community energy consumption. Of course, this option would require an Energy audit upfront to determine the need and the most significant energy upgrades needed. Again, due to the nature of this approach, staff feels that a Development Agreement would be the most appropriate way to handle this case by case basis as not all buildings would qualify for such a need.

- Would the Commission support staff drafting code language taking this direction for energy audits? Are there specifics the Commission would like included?

New Small versus Large Condo-Hotel Amenity Bonus and Density Multipliers

After researching existing condo-hotels and having conversations with those in the condo-hotel industry, the general consensus has been that the existing definition of condo-hotel in the Development Code is still valid. However, staff acknowledges that there are issues as demonstrated in the topic above with small condo-hotels being able to realistically function as a condo-hotel and fit the definition over the long term.

Staff would like to have the Commission input on modifying the definition of condo-hotels to be applicable to those projects with a minimum of 50 units. By creating a unit cut off, staff believes that the critical mass to support and allow them to function as a true condo-hotel would be maintained and would eliminate those developments which appear to be a condo-hotel but do not have the critical mass to function as such. Staff would also like to explore requiring a covenant to be recorded against the property that if a condo-hotel is converted to a use which would require more density, (i.e. condominium without the hotel function) the property owner would be required to pay the difference of the bonus received under condo-hotel multiplier, plus any new use required square footage via transfer of development rights (TDRs).

9-1-5 Definition:

Condominium/Hotel: A multi-unit structure in which units may be individually owned and which provides on the site of the development a centralized management structure incorporating the following features: a) a twenty four (24) hour front desk check in operation, b) a central phone system to individual rental units, c) meeting rooms or recreation and leisure amenities, and d) food services.

- Does the Commission support modifying the condo-hotel definition to establish a minimum threshold of 50 units in order to qualify as a condo-hotel and therefore be entitled to the density bonus?

- Would the Commission support a requirement that a covenant be recorded against condo-hotel properties that would require any future conversion of a condo-hotel to a use which would need more density, to cause the property owner to pay the difference of the bonus received under condo-hotel multiplier, plus any new use required square footage via transfer of development rights (TDRs)?

Staff would like to get Planning Commission direction on the items above and return to the Planning Commission at a worksession with draft revisions to the appropriate policies.

Other Related Condo-Hotel Development Code Sections
(For Reference; Not proposed to modify)

Policy 24 (Absolute) Social Community:

A. Meeting And Conference Rooms: All condominium/hotels, hotels, lodges, and inns shall provide meeting areas or recreation and leisure amenities, at a ratio of one square foot of meeting or recreation and leisure amenity area for every thirty five (35) square feet of gross dwelling area.

Policy 24 (Relative) Social Community:

3x(0/+2) Meeting And Conference Rooms Or Recreation And Leisure Amenities: The provision of meeting and conference facilities or recreation and leisure amenities, over and above that required in subsection A of this section is strongly encouraged. (These facilities, when provided over and above that required in subsection A of this section, shall not be assessed against the density and mass of a project when the facilities are legally guaranteed to remain as meeting and conference facilities or recreation and leisure amenities, and they do not equal more than 200 percent of the area required under subsection A of this section.)

Planning Commission Staff Report

- Subject:** Breck Laundry Cabin Rehabilitation and Remodel
(Class B, Final Combined Hearing; PC#2013115)
- Proposal:** This remodel and rehabilitation only affects the cabin in the rear (west end) of the property. The applicants propose to remove the existing noncompliant roof and lower walls of the upper-level and replace them with historically compliant designs. The historic logs on the lower level will be restored. The upper level will receive new windows and exterior materials that are historically compliant. There is a slight reduction in overall density.
- The interior will have two bedrooms and three bathrooms. The existing west facing deck will remain unchanged. A new entry door is being added to the east elevation on the lower level. A material and color sample board will be available for review at the meeting.
- Date:** January 8, 2014 (For meeting of January 21, 2014)
- Project Manager:** Michael Mosher, Planner III
- Applicant/Owner:** Breck Laundry, LLC
- Agent:** Janet Sutterley, Architect
- Address:** 105 South French St.
- Legal Description:** Lots 5, 5 1/2, and 6, Abbett Addition
- Site Area:** 0.12 acres (5,148 sq. ft.)
- Land Use District:** 17, Residential Single Family or Duplex, 11 Units per Acre (UPA) - This Land Use District does not suggest any commercial uses. (The existing Laundromat is a grandfathered use.)
- Historic District:** #2, North End Residential Character Area
- Site Conditions:** The property has the existing Laundromat on the east side, abutting French Street, with a small two-story cabin at the rear of the property to the West. The lower level material of the cabin was moved from an existing historic cabin that was located on the northeast corner of French and Lincoln (where Bank of the West is) and was reconstructed at this location sometime during the 1960s or 70s. The logs are historic but the chinking and assembly are not. Its placement on the property is not historic. There is very little existing vegetation on the property.
- There is a Warranty Deed (reception number 644536) for the property describing an easement across the neighboring property to the north to the back of the lot for vehicular and pedestrian access to this log structure. As described in the deed, the access easement is for *"the improvements situated on the west side of Lot 5, Block*

11". This access is only for the cabin as long as the cabin exists. If the improvements (the cabin) at the west end of the lot were to be removed, the easement would no longer be valid.

Adjacent Uses:	North: Residential South: Residential	East: Residential West: Fatty's Pizzeria and Moe's BBQ
Density:	Allowed under LUGs: Based on existing commercial use: Existing density of both buildings: Existing cabin density: Proposed cabin density:	2,080 sq. ft. 2,437 sq. ft. (grandfathered) 1,200 sq. ft. 1,157 sq. ft.
Mass:	Allowed under LUGs Based on existing commercial use: Existing mass of both buildings: Existing cabin mass: Proposed cabin mass:	3,452 sq. ft. 2,437 sq. ft. 1,200 sq. ft. 1,157 sq. ft.
Above Ground Density:	Allowed in this Character Area: With restoration of historic structure Existing (both structures): Proposed:	1,702 SF (9 UPA) 1,891 SF (10 UPA) 2,437 SF (12.89 UPA) (grandfathered) 2,394 SF (12.66 UPA)
Total:	Main Level: Upper Level: Total:	600 sq. ft. 557 sq. ft. 1,157 sq. ft.
Height:	Recommended: Proposed:	25 feet 21 feet (mean); 23 feet (overall)
Parking:	Required: Existing:	2 spaces 2 spaces

Item History

The original Nordic Laundromat building was constructed in 1967. It is noncontributing to the Historic District. Both the Town of Breckenridge and the County have little information regarding this Cabin. Staff believes that in the early 70s the owner of the property at that time, David Strong, obtained permission to build a barn in the back of the laundry property. In the 60's or 70's then local, Alden Spillman, dismantled an existing historic log structure to provide the logs for this cabin. Of the original historic structure only the logs were used. The rest of the historic fabric has been dispersed amongst several buildings in town. The chinking and assembly are non-historic and were part of the new re-assembly on-site. Neither building is eligible for national or local landmarking. As mentioned above, there is an access easement associated with this cabin.

Staff Comments

Density/Intensity (3/A & 3/R)/Mass (4/R): As the property stands today, both the buildings are over the allowed above ground density in this character area. With the addition of internal stairs the overall square footage of the cabin is reduced by 43 square feet. This reduces the level of nonconformity for the overall property. Staff has no concerns.

Architectural Compatibility (5/A & 5/R): Only the logs on the lower level are historic. Their assembly, location, etc. are all non-historic. The existing Cabin has a gambrel roof sheathed in corrugated rusting metal. Both ends of the gambrel roof have fixed pane windows covering the entire wall. A 30-foot wide upper-level deck exists along the west elevation. None of these features conform to the design standards of the *Handbook of Design Standards for the Historic and Conservation Districts*.

In addition to the interior remodel, the applicants are proposing to construct the upper level roof and walls in a style more compliant with the Town's Historic Standards. For this proposal, staff is referring to the section of the Handbook with the design standards for 'new construction'.

By design this cabin represents an "out-building" at the rear of the property. The proposed remodel intends to respect this character by keeping the materials and colors similar to an out-building. The overall height is lower than what is suggested in the Handbook of Design Standards. Existing gambrel roof is being replaced with simple gable forms.

The drawings show that the highest ridge east-west match the settlement pattern along this block. Since this cabin was placed with the widest portion aligning north-south, the secondary and longer ridgeline also aligns north-south. The proposed roof materials are a 40-year heavyweight asphalt composition shingle coupled with a dull finished corrugated metal. The corrugated metal is used on the lower shed roof forms. Staff has no concerns with the roof form and materials.

Priority Policy 95 states: "*The proportions of window and door openings should be similar to historic buildings in the area.*" This proposal has removed the existing noncompliant roof form and large expanses of glass at each end of the gambrel roof. Smaller vertically oriented double hung windows are proposed on all four elevations that comply with the Handbook of Historic Standards. The solid-to-void ratio of the openings is also compliant.

To access the existing upper-level deck from inside the upper level, the drawings are showing French doors at the northwest corner and a door at the southwest corner of this elevation. With Staff direction, the agent has depicted these in a form similar to vertically oriented double hung windows with a large kick-plate at the base. Though they appear tall on the elevation, we note that the floor-to-plate height is only 7-foot 6-inches tall. In the past, the Planning Commission has approved french doors at the back of new structures in the Historic District if away from the primary facade. This, coupled with the fact that the existing deck is large, makes these doors secondary to the design of the building and difficult to see from any public view.

A new entry door is proposed on the main level east elevation. In keeping with the simplicity of historic forms, a simple gable element is proposed over the door to protect it from the elements. It is braced against the building to allow the maximum space for the two parking spaces on the tight property.

Overall, the proposed rehabilitation will bring the non-conforming design elements into better conformity with the policies in the Handbook of Design Standards for the Historic and Conservation Districts. Staff has no concerns.

Placement of Structures (9/A & 9/R): The existing structure is to remain in its original location. There are no changes to the setbacks.

Access / Circulation (16/A & 16/R; 17/A & 17/R): As described above, there is an access easement on the abutting property allowing two cars to be parked on the applicant's property.

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

Point Analysis (Section: 9-1-17-3): At this final combined hearing, staff finds the application has met Absolute Policies of the Development Code and has not incurred any negative or positive points under all Relative Policies.

Staff Recommendation / Decision

Staff has advertised this application as a combined Preliminary and Final hearing. We felt that the issues involved in the proposed project were such that no useful purpose would be served by requiring two separate hearings. If the Planning Commission believes this application warrants further discussion, we ask that it be continued to a future public meeting.

We have no specific questions for the Commission. However, we welcome any comments or questions. The Planning Department recommends approval of the attached Point Analysis for the Breck Laundry Cabin Rehabilitation and Remodel, PC#2013115. We also ask that the Commission approve the Breck Laundry Cabin Rehabilitation and Remodel, PC#2013115 with the attached Findings and Conditions.

Final Hearing Impact Analysis				
Project:	Breck Laundry Cabin Rehabilitation and Remodel	Positive Points	0	
PC#:	2013115			
Date:	January 8, 2014	Negative Points	0	
Staff:	Michael Mosher, Planner III			
		Total Allocation:	0	
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	Codes, Correlative Documents & Plat Notes	Complies		
2/A	Land Use Guidelines	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	Density/Intensity	Complies		Legal non-conforming
3/R	Density/ Intensity Guidelines	5x (-2>-20)	0	1,200 square feet reduced by 43 square feet to 1,157 square feet
4/R	Mass	5x (-2>-20)		
5/A	Architectural Compatibility / Historic Priority Policies	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)	0	Overall, the proposed rehabilitation will bring the non-conforming design elements into better conformity with the policies in the Handbook of Design Standards for the Historic and Conservation Districts.
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)		Legal non-conforming
6/A	Building Height	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)	0	Proposed: 21 feet (mean); 23 feet (overall)
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	Ridgeline and Hillside Development	Complies		
9/A	Placement of Structures	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)	0	Legal non-conforming
12/A	Signs	Complies		
13/A	Snow Removal/Storage	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	Storage	Complies		
14/R	Storage	2x(-2/0)		
15/A	Refuse	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		

16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	External Circulation	Complies		
18/A	Parking	Complies		
18/R	Parking - General Requirements	1x(-2/+2)	0	Two existing parking spaces on property.
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2/+2)		
19/A	Loading	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	Landscaping	Complies		
22/R	Landscaping	2x(-1/+3)		
24/A	Social Community	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	Infrastructure	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	Drainage	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	Utilities - Power lines	Complies		
29/A	Construction Activities	Complies		
30/A	Air Quality	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	Hazardous Conditions	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	Subdivision	Complies		
36/A	Temporary Structures	Complies		
37/A	Special Areas	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		

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

TOWN OF BRECKENRIDGE

Breck Laundry Cabin Rehabilitation and Remodel
105 South French St.
Lots 5, 5 1/2, and 6, Abbett Addition
PERMIT #2013115

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

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 **January 8, 2014** 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 **January 21, 2014** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are 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 **January 28, 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 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. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
7. **Applicant shall notify the Town of Breckenridge Community Development Department (970-453-3160) prior to the removal of any building materials from the historic building. Applicant shall allow the Community Development Department to inspect the materials proposed for removal to determine if such removal will negatively impact the historic integrity of the property. The Applicant understands that unauthorized removal of historic materials may compromise the historic integrity of the property, which may jeopardize the status of the property as a local landmark and/or its historic rating, and thereby the allowed basement density. Any such action could result in the revocation and withdrawal of this permit.**
8. 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

9. Applicant shall submit proof of ownership of the project site.
10. **Applicant shall contact the Town of Breckenridge and schedule a preconstruction meeting between the Applicant, Applicant's architect, Applicant's contractor and the Town's project Manager, Chief Building Official and Town Historian to discuss the methods, process and timeline for restoration efforts to the historic building(s).**
11. 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.
12. 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.
13. 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.
14. 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.

15. 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.

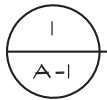
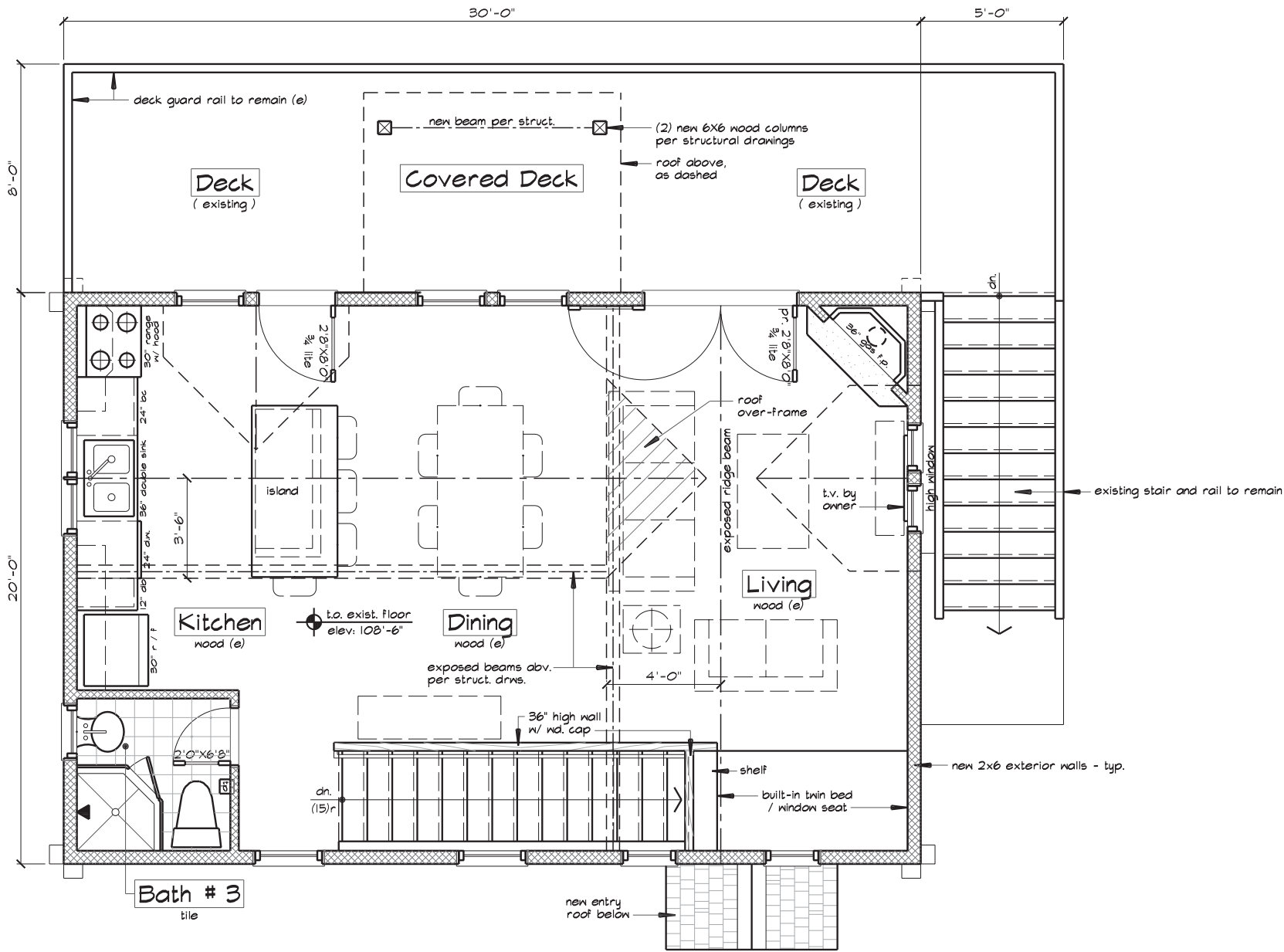
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

16. Applicant shall revegetate all disturbed areas where revegetation is called for, with a minimum of 2 inches topsoil, seed and mulch.
17. Applicant shall remove leaf clutter, dead standing and fallen trees and dead branches 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 ground.
18. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
19. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
20. 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.
21. Applicant shall screen all utilities.
22. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
23. 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.
24. 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.
25. 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.**

26. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
27. 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.***

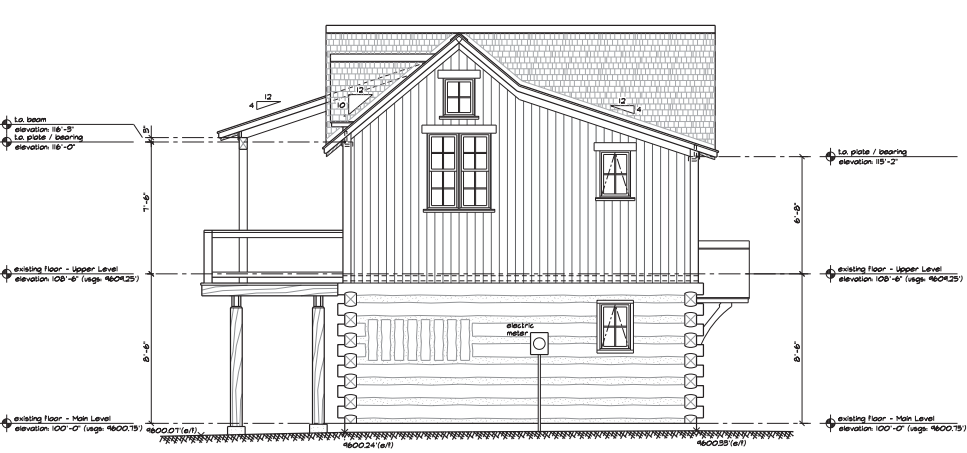
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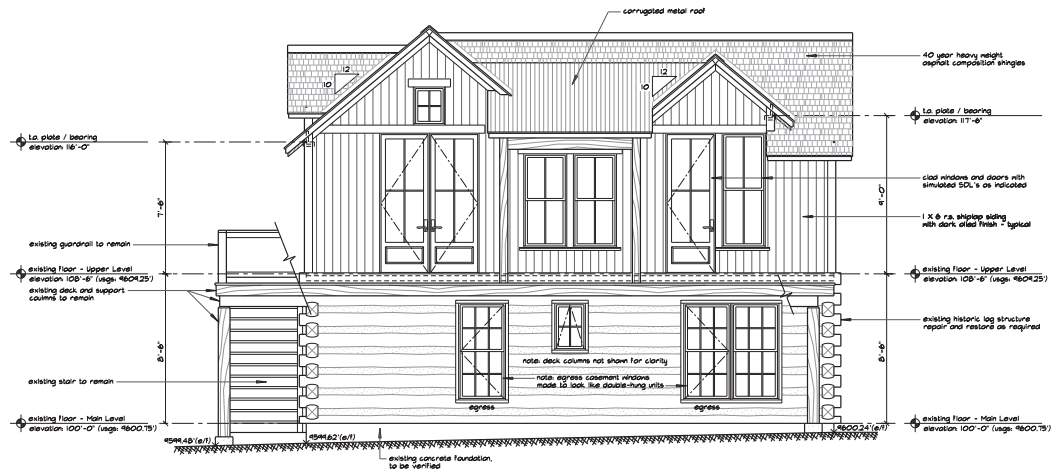
Upper Level Floor Plan

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

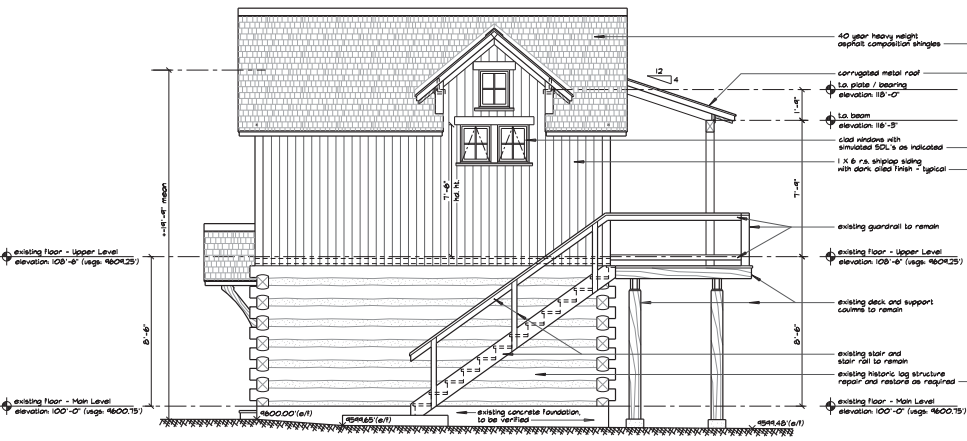
Total Upper Living Sq. Ft. = 557
(stair not included)



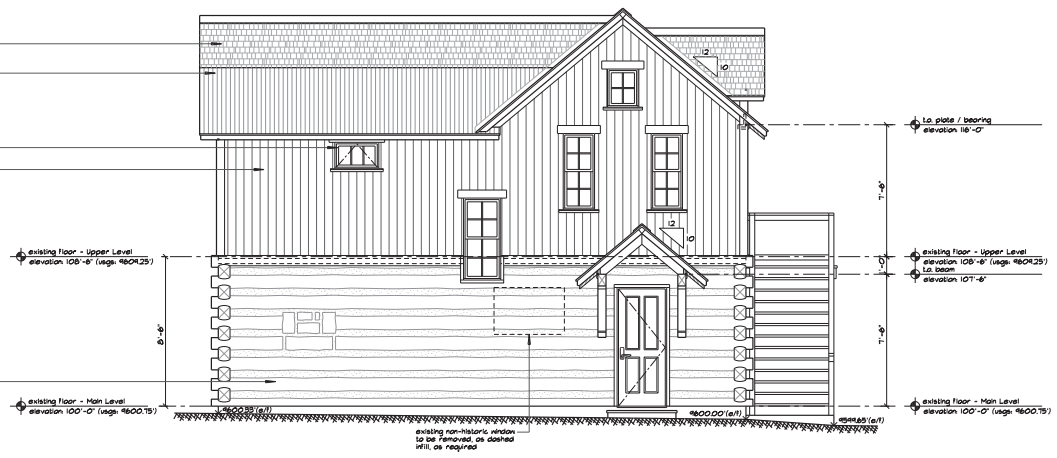
3
A-2
South Elevation
Scale: 1/4" = 1'-0"



1
A-2
West Elevation
Scale: 1/4" = 1'-0"



4
A-2
North Elevation
Scale: 1/4" = 1'-0"



2
A-2
East Elevation
Scale: 1/4" = 1'-0"