



PLANNING COMMISSION AGENDA

Tuesday, June 16, 2015
Breckenridge Council Chambers
150 Ski Hill Road

7:00pm	<i>Call To Order Of The June 16 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>Consent Calendar</i>	
	1. Cottage #7, The Cottages at Shock Hill (MM) PL-2015-0166; 51 Regent Drive	10
7:15pm	<i>Worksessions</i>	
	1. Temporary Structures (Tents) (JP)	23
8:00pm	<i>Town Council Report</i>	
8:15pm	<i>Other Matters</i>	
	1. Barney Ford Museum Landmarking (Stiles, Block 2, Lots 1, 2 & 3) (MM) PL-2015-0201; 200 South Main Street	38
	2. Joint Town Council Work Session Topics (JP)	42
9:00pm	<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.**

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher Gretchen Dudney Jim Lamb
Dan Schroder Dave Pringle arrived at 7:13pm
Wendy Wolfe, Town Council Liaison
Eric Mamula and Ron Schuman were absent.

APPROVAL OF MINUTES

With no changes, the May 19, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the June 2, 2015, Planning Commission Agenda was approved as presented.

TOWN COUNCIL REPORT:

Ms. Wolfe:

- Last Council meeting was light so wanted to talk more about Work Session.
- Wetlands TDR's was one topic. It is cheaper for developers to buy wetlands lots than backcountry lots when development happens that needs TDRs. We are on track to pass an ordinance to limit any TDR transaction to a maximum of using 25% of wetlands lots as TDR's. This will be discussed at the next Council Meeting.
- Sign code was also discussed. This is still on track, big thanks to the Planning Commission for your input on this topic. This has been an ongoing conversation and Council went on a Main Street field trip and we are definitely sticking to our decision to ban sandwich boards. Council feels that window sign wraps, like Blue Sage Spa has, that are tastefully done are probably acceptable. We also have varying incidences of directory signs with stores not directly on Main Street. We want to work on these so that everyone has a better directory sign--we are working on sizing and a look for these signs. This will help places like La Cima and Main Street Station to have tasteful directory signs even though they may be tucked in off of Main Street. Also working on seasonal decorations, the garland and bows get a little bit tired by spring break so we are going to rework the code so that those come down right after President's weekend. This will be a plan for Main Street commercial areas. The overall sign ordinance will take effect the end of July but active enforcement is planned in September.
- The parking structure is the anchor to the big parking plan. Tomorrow there will be the first meeting with various constituents in the Community starting with the Restaurant Association, there may several Council members present at this meeting. The meeting will mostly be focused on the parking structure but will also discuss the overall parking bundle of solutions. We believe that the structure should eventually tie in with all the other parking plans because it opens up other possibilities for public and employee parking. We really want to get feedback from the Community on the structure first.

FINAL HEARINGS:

1) Kelley Residence (MM) PC#2013111; 210 North Ridge Street

Mr. Mosher presented a proposal to construct a new, 2,242 square foot, 3 bedroom, 4.5 bathroom, single family home with an attached 2-car garage. At the last hearing, the Commission was supportive of the site layout, building massing and architectural details. The proposed landscaping warrants positive points, though not needed for a passing score, and the Commission was supportive of positive two (+2) points. Since the last review, the Town has removed the un-platted public water line that was crossing the north edge of the property. The applicants have modified the finishes of the garage to abide with the design guidelines of the Handbook of Historic Standards. Otherwise, the report is essentially the same as the last report. Changes reflect the design of the garage. The finishes and color of the garage have been modified since the July 1,

2014, submittal.

With this proposal falling within the recommendations of all associated Development Code policies, Staff finds the proposal meets all absolute policies and have awarded positive two (+2) points under Policy 22R, Landscaping with the addition of two more spruce trees. The applicant's agent has worked closely with Staff for this proposal. The only outstanding issue from the last review was the finishes for the garage. This has been addressed and we have no concerns.

The Planning Department recommended approval of Point Analysis for the Kelly Residence (PC#2013111) showing a passing score of positive two (+2) points. The Planning Department recommended approval of the Kelly Residence (PC#2013111) along with the presented findings and conditions.

Commissioner Questions / Comments:

No questions for staff.

Applicant Presentation (Mr. Mark Provino, Architect for the Applicant):

No other comments.

Ms. Christopher opened the hearing to public comment. There was no public comment, and the hearing was closed.

Commissioner Questions / Comments:

Mr. Lamb: I like it.

Mr. Pringle: I think that the code wants the garage to be subordinate to the main structure and not compete with the primary structure. I'm hoping that we can modify the garage, secondary structure to not compete with the main structure with future applications. I concur with the point analysis. (Mr. Mosher - The Development Code supports this design that has the main house and secondary building as being different.)

Ms. Dudney: I think this is very attractive and a great addition to the block.

Mr. Schroder: I agree it will look great in town.

Ms. Christopher: I also agree.

Mr. Pringle made a motion to approve the point analysis for the Kelley Residence, PC#2013111, 210 North Ridge Street, showing a passing score of positive two (+2) points. Mr. Lamb seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the Kelley Residence, PL#2013111, 210 North Ridge Street, with the presented findings and conditions. Mr. Lamb seconded, and the motion was carried unanimously (5-0).

2) Miller-Huntress Restoration (MGT) PL-2015-0075; 309 South Main Street

Mr. Thompson presented a proposal to restore the front façade of the building per the historic photo, including adding an ADA compliant door to the north elevation, adding a ramp with handrails and an patio /deck addition.

Changes from the May 19, 2015, Preliminary Hearing:

- The applicant has designed the detention areas to the satisfaction of the Town of Breckenridge Engineering Department.
- The snow storage area between the paved parking lot and the Riverwalk will have top soil and grass seed as requested by Staff.
- Applicant has agreed to remove the deck encroachment over the property line.

Staff recommended positive one (+1) point under Policy 24/R, for: *On site historic preservation/restoration effort of minimal public benefit*, for a passing point analysis of positive one (+1) point. Staff recommended the Planning Commission approve the Miller/Huntress Restoration, PL-2015-0075, located at Block 6, Lot 5, Stiles, 309 South Main Street, with a passing point analysis of positive one (+1) point and with the presented Findings and Conditions.

Commissioner Questions / Comments:

Mr. Pringle: Is the deck going to look like the one that was approved previously? (Mr. Thompson: The code allows a zero setback and so we are ok with this plan; we have a preliminary agreement to allow the Crepe Cart to be over the property line and this will be a condition for the C.O.) Will we have any idea of what the deck will look like? Will we have a picture or what it looks like? There is no detail here and would like to see that buttoned up. (Mr. Thompson: The stairs will remain it will just be pulled back and then a new deck added onto the back of that. I don't have a picture.) It would be nice to have a record of what we approve tonight because in the future we want to have this record in case it isn't constructed the way we approve it. I want to see an elevation so that we can have it for future reference. (Mr. Thompson: There is a condition of approval that it be cut back to the property line.) (Ms. Puester: You could add a condition of approval that they submit a Class D minor for the deck so that staff double checks that this is done correctly and there are no code design issues.) (Mr. Thompson: This will also go through all the building codes too and make sure it complies.)

Applicant Presentation (Mr. Marc Hogan, Architect for the Applicant):

We met over at the site today with the Crepe Cart owner and we will cut the deck that is 12" high so no guard rail is required. There are currently flag stone pavers that are over the steps so we will extend those pavers to the new deck and we have no problem with the additional condition. (Mr. Barry Noam, Applicant: Thanks for everyone who we worked with at the Planning Department, Matt, Julia, and Peter.) (Mr. Pringle: A lot of this is your give and take too, so thank you.)

Ms. Christopher opened the hearing to public comment. There was no public comment, and the hearing was closed.

Commissioner Questions / Comments:

Mr. Pringle: I don't have any problems; I'm glad to see you bringing this property back to life. I would like to see the Class D approval for the deck be added.

Ms. Dudney: I think this is terrific and I would like to thank staff and the applicant for getting this done so quickly; I didn't think this would happen so quickly. (Ms. Puester: If we want to add a Class D minor permit for a deck, put it on condition number 19 as prior to a building permit and then all the conditions will fall after.)

Mr. Schroder: I think it is a great project and great to see something happening here.

Mr. Lamb: I think it is a great project. I'm not concerned with the deck, but I could go along with the Class D for the deck.

Ms. Christopher: I also agree, thanks to all the cooperation between applicant and staff. I'm fine with the Class D.

Mr. Pringle made a motion to approve the point analysis for the Miller-Huntress Restoration, PL-2015-0075, 309 South Main Street, showing a passing point analysis of positive one (+1) point. Mr. Lamb seconded, and the motion was carried unanimously (5-0).

Mr. Pringle made a motion to approve the Miller-Huntress Restoration, PL-2015-0075, 309 South Main Street, with the presented findings and conditions including a Class D minor permit for a deck, put it on

condition number 19 as prior to a building permit and then all the conditions will fall after. Mr. Lamb seconded, and the motion was carried unanimously (5-0).

COMBINED HEARINGS:

1) Gold Pan North Elevation Siding (MGT) PL-2015-0087; 103 North Main Street
Mr. Thompson presented a proposal to install 22-gauge corrugated rusted steel on the exterior of the first floor of the north elevation of the building and install vertical pine shiplap siding of various widths on the second floor of the north elevation of the building. The historic windows will remain the same. Priority Policy 220: Maintain the clear distinction between first and upper floors. Policy 225: Maintain the present balance building materials found in the Core Commercial Character Area. While the applicant is not proposing painted wood lap siding as the primary building material, they have provided a photo from the past showing vertical stained wood for the entire north elevation. Also, Policy 225 is not a priority policy. Priority Policy 220, *Maintain the clear distinction between first and upper floors*, is a priority policy. Furthermore, taking into consideration that this is the north side of a two story building, which will have a new building (The Elk) built within five (5') of the existing Gold Pan, the snow will get trapped in between the two buildings, sitting up against the building siding. Hence, Staff feels that it is an acceptable concept to propose rusted metal siding on the first floor, and vertical shiplap siding on the second floor. It will be a considerable improvement on the existing rolled asphalt faux brick pattern existing on the north elevation. Also, the metal siding will protect the historic structure from the effects of snow right up against the wall of the building.

Staff does not believe this application warrants positive or negative points. The application is found to meet all absolute policies. The Planning Department recommends that the Planning Commission approve the new siding proposed for the north elevation of the Gold Pan building, PL-2015-0087, located at 103 North Main Street, Lots 81-82, Bartlett & Shock, with a passing point analysis of zero (0) and the presented Findings and Conditions.

Commissioner Questions / Comments:

- Mr. Pringle: The Elk building to the north will be set back so that the north window on the second floor will be exposed so that the west edge to the window will be visible? (Mr. Thompson: Yes. There is fear that if it wasn't set back then there would be too much snow piling up against the window of the Gold Pan, which could damage the historic fabric.)
- Mr. Schroder: Will there be a fence between the buildings? (Ms. Janet Sutterley, Architect for the Applicant: No fence and also there will only be a two feet separation between buildings.) I was worried about people sleeping late at night in between the buildings. (Ms. Sutterley: There is a connector. There is only 2 to 3 feet here in between buildings for about 18 feet. The corrugated metal was to really provide a weathering base. The historic picture shows stone wainscoating here. The Elk building starts just behind the first window of the Gold Pan.) It seems to me that the question is, would we be able to see it?
- Mr. Pringle: I'm just trying to decide is the corrugated metal appropriate for this area? A ten foot panel that comes out all the way to the street corner? I'm wondering if this is appropriate for this visible section.
- Mr. Lamb: It seems ok. The Theobald building has corrugated metal. I would argue that there is precedence. (Ms. Sutterley: To me the photo shows historically it was vertical wood siding.)
- Mr. Pringle: I'm just wondering if we want to go with the siding material of metal all the way out to the front corner. Is this truly the best historical interpretation?
- Ms. Christopher: I just don't know where you make the distinction- between a 2 or 3' wainscot for 5' and then shoot it up to the whole first floor?
- Mr. Pringle: Yes. I would like the vertical siding coming down to the window that is exposed, have a small amount of metal wainscoating and then go back to the whole first floor.
- Ms. Dudney: What materials?
- Mr. Pringle: The wainscot could be just the corrugated metal and then vertical wood would go up the rest

of the wall.

Ms. Christopher: If the Elk building wasn't there I think this would look kind of jig sawing. So with that I'm ok with the whole first floor being metal.

Mr. Lamb: I think the whole first floor being metal is appropriate.

Ms. Christopher: I think protecting the Gold Pan is top priority to me.

Mr. Pringle: This will be a very public view of the building and I'm not sure if 10' of corrugated metal is historically correct.

Mr. Lamb: Theobald did it. I see other examples of historic buildings with metal siding around Town.

Mr. Pringle: But I don't want to keep making the same mistakes.

Ms. Christopher: Can we make it clear that this is not to be followed in the future? (Ms. Puester: You could create a special finding for this property.)

Mr. Pringle: This used to be a big deal, but I guess it isn't any more.

Ms. Dudney: I see both sides but since this is not a priority policy, I don't have a personal objection to the corrugated metal. I'm following the lead of the staff and I don't hear them saying that this is a big deviation to the historic standards.

Mr. Pringle: Corrugated metal wasn't a historic material; it was used later when people needed a different material. As a dominant side this looks like an addition material as opposed to a historic material. (Ms. Puester: Being as this is not the primary elevation on a historic structure that needs protection, staff feels we can allow it. If it was a primary elevation we probably wouldn't support it.)

Ms. Dudney: If we had lower corrugated metal on the lower portion on the front five feet. If the Elk Building wasn't going to be built, how would you feel about the corrugated treatment?

Mr. Pringle: I would go with a more historically accurate look because that corner of that building is going to be exposed.

Mr. Lamb: Aren't there other historic buildings in town that have metal siding? (Ms. Sutterley: Yes there are other buildings like the Brown that have metal siding.) There are buildings that exist.

Mr. Pringle: Yes, but those aren't the original condition of the buildings, they were done in the 1940's or later. Anyway, we do know that there will be another building built there. (Mr. Thompson: Per the historic guidelines is that any building pre-1942 is considered historic. That's why the Theobald building metal siding was approved because the metal siding was added prior to 1942.)

Ms. Dudney: I think it is going to look nice the way that it was proposed and meets the intent of the Code.

Mr. Lamb: I agree with Ms. Dudney.

Ms. Christopher: I too like the full story of metal. I like saying that this is not precedent for other buildings, this is a unique situation. Would be ok with a special finding if that makes other Commissioners more comfortable.

Ms. Christopher opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Schroder: It is not a primary façade; I too see precedent around town that shows this material does a good job and shows that this distinguishes the two floors per Priority Policy 220.

Mr. Lamb: I agree too; it follows Priority Policy 220 that keeps the top floor different from the bottom. I think that metal was used historically. I think it will look much better.

Mr. Pringle: I don't believe that it complies with 5A and is an incorrect interpretation of use of a building material. I can't give it a full endorsement.

Ms. Dudney: I support it as presented.

Ms. Christopher: I support it too, even if it isn't a historic material I think it does a good job of protecting the building.

Mr. Lamb made a motion to approve the point analysis for the Gold Pan North Elevation Siding, PL-2015-0087, 103 North Main Street, showing a passing point analysis of zero (0) points. Mr. Schroder seconded, and the motion was carried (4-1).

Mr. Lamb made a motion to approve the Gold Pan North Elevation Siding, PL-2015-0087, 103 North Main Street, with the presented findings and conditions. Mr. Schroder seconded, and the motion was carried unanimously (5-0).

TOWN PROJECT HEARINGS:

1) Milne Park Site Improvements (MGT) PL-2015-0159; 102 North Harris Street

Mr. Thompson presented a proposal to remove the corner section of the fence at Milne Park to allow pedestrian access into the park (repair fencing where necessary). Add pedestrian cross walk stripping across Lincoln Avenue and then across North Harris Street to connect to the Breckenridge Grand Vacations Community Center. Add stone pillar gateway signs with brick landing as an entry feature. Thin and prune existing trees for visibility into the park. Add cottonwood trees to the park along Lincoln Avenue. Provide new interpretative signs to identify and provide history of the Milne House, Briggie House and the Eberlein House. Build new benches for seating. Add top soil to smooth out undulating areas on approximately half the lawn area and re-vegetate with native grasses and wildflowers.

Staff finds no reason to assign any negative or positive points to this project. The application was found to meet all Absolute policies. This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission is asked to identify any concerns with this project, and any code issues. In addition, the Commission is asked to make a recommendation to the Town Council.

Planning Staff suggested that the Planning Commission recommend approval of the Milne Park Improvements, PL-2015-0159, located at 100 and 102 North Harris Street with the presented Findings.

Commissioner Questions / Comments:

Ms. Dudney: Do you know where the benches would be? (Mr. Thompson: Showed them on the plan and the interpretive signs too.)

Applicant Presentation (Ms. Mary Hart, Designer for the Applicant):

I'm here to answer any questions. A simple project that is designed to improve accessibility we are not trying to make it really manicured, a little rough around the edges and still feeling fairly native. (Ms. Dudney: Is the goal to bring people into the site to get a hands-on feel for it?) Yes, we would like people to get in there. Right now they walk on by thinking that it is just a private area. With the library so close, people can probably get WIFI and use this public space. (Ms. Dudney: Is that a wooden walkway?) Yes, it is existing and used when BHA does tours there; we are hoping that this continues and is still a public use area. (Ms. Dudney: So this is not a winter space?) Yes, that is true; it is just for the summer, it is not maintained during the winter. (Ms. Dudney: Are the buildings only open for tours?) Yes, the buildings are only open to tours.

Ms. Christopher opened the hearing to public comment. There was no public comment and the hearing was closed.

Commissioner Questions / Comments:

Mr. Schroder: I think it is great; I support the application as presented.

Mr. Lamb: I support it 100%; up until now I always feel like it is trespassing when I'm there. I especially like the crosswalk.

Mr. Pringle: I also fully support it.

Ms. Dudney: I am fully behind it also.
Ms. Christopher: I approve of it as well.

Mr. Schroder made a motion to recommend the Town Council approve the Milne Park Improvements, PL-2015-0159, 102 North Harris Street. Mr. Pringle seconded, and the motion was carried unanimously (5-0).

OTHER MATTERS:

Update on Track E, Shock Hill and Lincoln Park Master Plan: The 30 day challenge periods have ended and no one challenged either application and so the decisions stand on both of those.

ADJOURNMENT:

The meeting was adjourned at 8:14 pm.

Kate Christopher, Vice Chair



Class C Single Family Development Review Check List

Proposal:	Build a new 4,032 square foot single family residence at Shock Hill Cottages	
Project Name/PC#:	Shock Hill Cottages #7	PL-2015-0166
Project Manager:	Michael Mosher, Planner III	
PC Meeting:	June 16, 2015	
Date of Report:	June 9, 2015	
Property Owner:	Shock Hill Development, LLC	
Agent:	Tom Begley, Breckenridge Lands	
Proposed Use:	Cluster Single Family Residence	
Address:	51 Regent Drive	
Legal Description:	Lot 7, The Cottages at Shock Hill	
Area of Site:	Footprint Lot	
Existing Site Conditions:	The site is relatively flat and sparsely vegetated with small to medium size Lodgepole pine. The property is bordered by an existing residence to the east, and future residence building sites to the north and south. The west side of the property is bordered by Shock Hill Drive to the southwest.	
Areas:	Proposed	
Lower Level:	1,202 sq. ft.	
Main Level:	1,632 sq. ft.	
Upper Level:	617 sq. ft.	
Garage:	581 sq. ft.	
Total:	4,032 sq. ft.	
Code Policies (Policy #)		
Land Use District (2A/2R):	10	2 UPA - Subject to Shock Hill Master Plan
Density (3A/3R):	Allowed: Unlimited	Proposed: 3,451 sq. ft.
Mass (4R):	Allowed: Unlimited	Proposed: 4,032 sq. ft.
F.A.R.	N/A Footprint Lot	
Bedrooms:	5 BR	
Bathrooms:	5.5 BA	
Height (6A/6R):*	34 feet overall	
*Max height of 35' for single family outside Conservation District <u>unless</u> otherwise stated on the recorded plat		
Lot Coverage/Open Space (21R):		
Building / Non-Permeable:	4,032 sq. ft.	
Hard Surface/Non-Permeable:	1,082 sq. ft.	
Snowstack (13A/13R):		
Required:	271 sq. ft.	25% of paved surfaces is required

Proposed:	271 sq. ft.	(25.05% of paved surfaces)
Outdoor Heated Space (33A/33R):		
	Yes - Back Patio & Garage Apron	(53.00% of paved surfaces)
Parking (18A/18/R):		
Required:	2 spaces	
Proposed:	4 spaces	
Fireplaces (30A/30R):	3 Gas Fired	
Architectural Compatibility (5/A & 5/R):	The architecture of this house is compatible with the other existing houses in the neighborhood.	
Exterior Materials:	Hand Hewn 2x12 (Sherwin Williams Charwood 3542) with chinking, 1x4, 1x6, and 1x8 vertical shiplap siding (Sherwin Williams Chestnut 3542) with natural stone	
Roof:	50 Year high definition asphalt shingle with cold rolled steel accents	
Garage Doors:	1x siding, color to match the home	
Landscaping (22A/22R):		
Planting Type	Quantity	Size
Aspen	5	1.5-2.0 inch caliper (50% multi-stem)
Colorado Spruce	3	6-foot tall
Colorado Spruce	4	10-foot tall
Colorado Spruce	1	8-foot tall
Native Shrubs	25	5 Gallon Shrub
Drainage (27A/27R):	Positive drainage away from the structure.	
Driveway Slope:	2 %	
Covenants:	none	
Point Analysis (Sec. 9-1-17-3):	Staff conducted a point analysis and found the proposal meets all Absolute Policies of the Development Code and warrants the following points under the Relative Policies: Negative one (-1) point under Policy 33 (Relative) Energy Conservation for 400 sq. ft. of heated patio; and positive one (+1) point under Policy 33 (Relative) Energy Conservation for obtaining a HERS Index, for a total passing point analysis of zero (0) points.	
Staff Action:	Staff has approved Cottage 7 at Shock Hill Cottages, PL-2015-01663, located at 51 Regent Drive with the attached Findings and Conditions.	

TOWN OF BRECKENRIDGE

Shock Hill Cottage #7
Cottage 7, Shock Hill Cottages
51 Regent Drive
PL-2015-0166

FINDINGS

1. The project is in accord with the Development Code and does not propose a prohibited use.
2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
4. This approval is based on the staff report dated **June 9, 2015**, and findings made by the Planning Commission with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
5. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the Town of Breckenridge, and at the hearing on the project held on **June 16, 2015** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.

CONDITIONS

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit expires eighteen (18) months from date of issuance, on **December 16, 2016**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
6. Applicant shall field locate utility service lines to avoid existing trees.
7. An improvement location certificate of the height of the top of the foundation wall, and the height of the building's ridge must be submitted and approved by the Town during the various phases of construction. The final building height shall not exceed 35' at any location.

8. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
9. Each structure which is authorized to be developed pursuant to this permit shall be deemed to be a separate phase of the development. In order for the vested property rights associated with this permit to be extended pursuant to Section 9-1-17-11(D) of the Breckenridge Development Code, substantial construction must be achieved for each structure within the vested right period of this permit.

PRIOR TO ISSUANCE OF BUILDING PERMIT

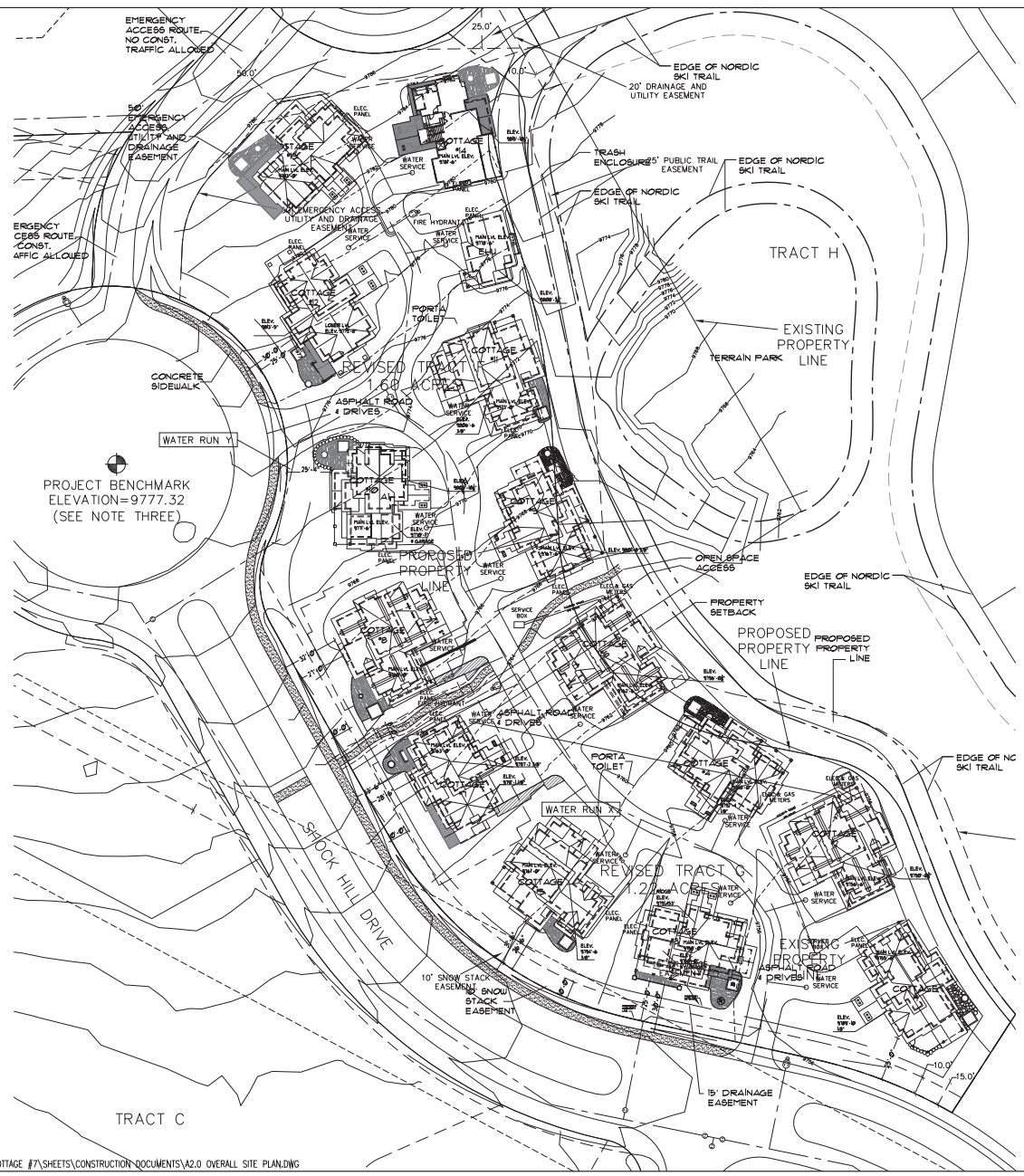
10. Applicant shall submit proof of ownership of the project site.
- 11. Applicant shall submit a preliminary HERS Confirmed Home Energy Rating Report prepared by a registered Residential Services Network (RESNET) design professional using an approved simulation tool in accordance with simulated performance alternative provisions of the towns adopted energy code, showing that the completed house has a HERS Index number.**
- 12. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.**
13. Applicant shall provide plans stamped by a registered professional engineer licensed in Colorado, to the Town Engineer for all retaining walls over four feet in height.
14. Any exposed foundation wall in excess of 12 inches shall be finished (i.e. textured or painted) in accordance with the Breckenridge Development Code Section 9-1-19-5R.
15. Applicant shall submit and obtain approval from the Town of a construction staging plan indicating the location of all construction material storage, fill and excavation material storage areas, portolet and dumpster locations, and employee vehicle parking areas. No staging is permitted within public right of way without Town permission. Any dirt tracked upon the public road shall be the applicant's responsibility to remove. Contractor parking within the public right of way is not permitted without the express permission of the Town, and cars must be moved for snow removal. A project contact person is to be selected and the name provided to the Public Works Department prior to issuance of the building permit.
- 16. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15' in height from finished grade or 7' above upper decks.**
17. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

18. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
- 19. Applicant shall submit a final HERS Confirmed Home Energy Rating Report prepared by a registered Residential Services Network (RESNET) design professional using an approved simulation tool in accordance with simulated performance alternative provisions of the towns adopted energy code, showing that the completed house has a HERS Index number.**
20. Applicant shall remove all vegetation and combustible material from under all eaves and decks.

21. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
22. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
23. Applicant shall screen all utilities.
24. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward.
25. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
26. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
27. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
28. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
29. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

(Initial Here)



-A Construction Trailer will be supplied at the location provided on this plan as needed.
 -Porta Toilets will be located at one of the two locations provided.
 -Material storage will be provided for each homesite separately and designated at the time of construction for that home.
 -Dumpster locations will be within the driveway for the homesite under construction.

1 OVERALL SITE PLAN
 A2.0 1"=30'-0"



ARCHITECTURE,
 PLANNING, INTERIORS
 P. O. Box 2773
 620 Main Street, Suite 8
 Frisco, CO 80445
 Tel: 970.668.1133
 Fax: 970.668.2318
 www.obparch.com

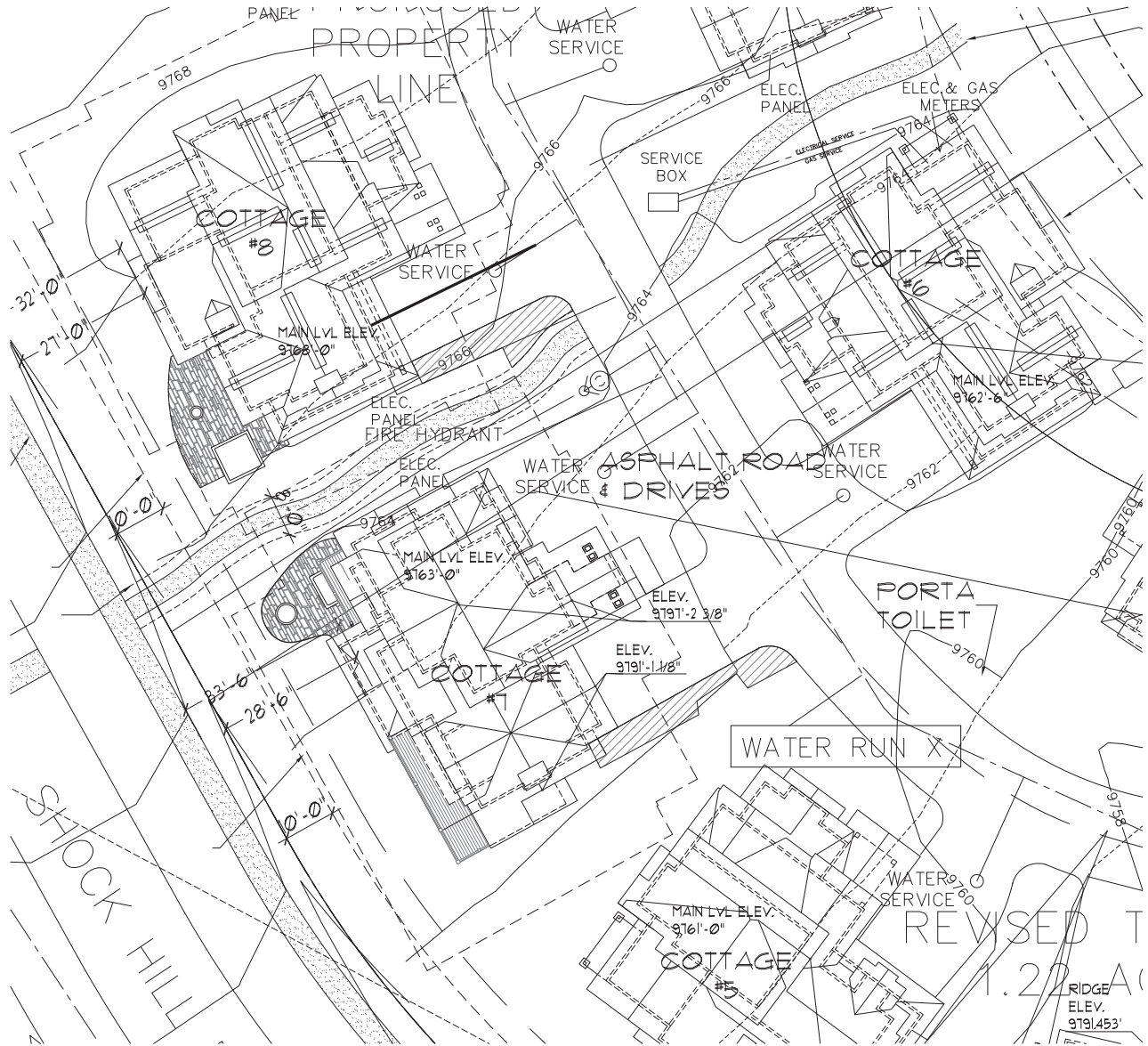
SHOCK HILL COTTAGE #7

COTTAGE #7
 TRACTS F & G
 BRECKENRIDGE, CO 80424

Revisions:
 PLANNING 05.14.15

Date: 07JUL13
 Project No: 2263071
 Drawn by: BKT
 Checked by: KHR

A2.0
 OVERALL SITE PLAN



- A Construction Trailer will be supplied at the location provided on this plan as needed.
- Porta Toilets will be located at one of the two locations provided.
- Material storage will be provided for each homesite separately and designated at the time of construction for that home.
- Dumpster locations will be within the driveway for the homesite under construction.

1 ENLARGED SITE PLAN
A2.1 1"=10'-0"



O'BRYAN PARTNERSHIP, INC.
ARCHITECTS - AIA

ARCHITECTURE,
PLANNING, INTERIORS

P. O. Box 2773
620 Main Street, Suite 8
Frisco, CO 80445
Tel: 970.668.1133
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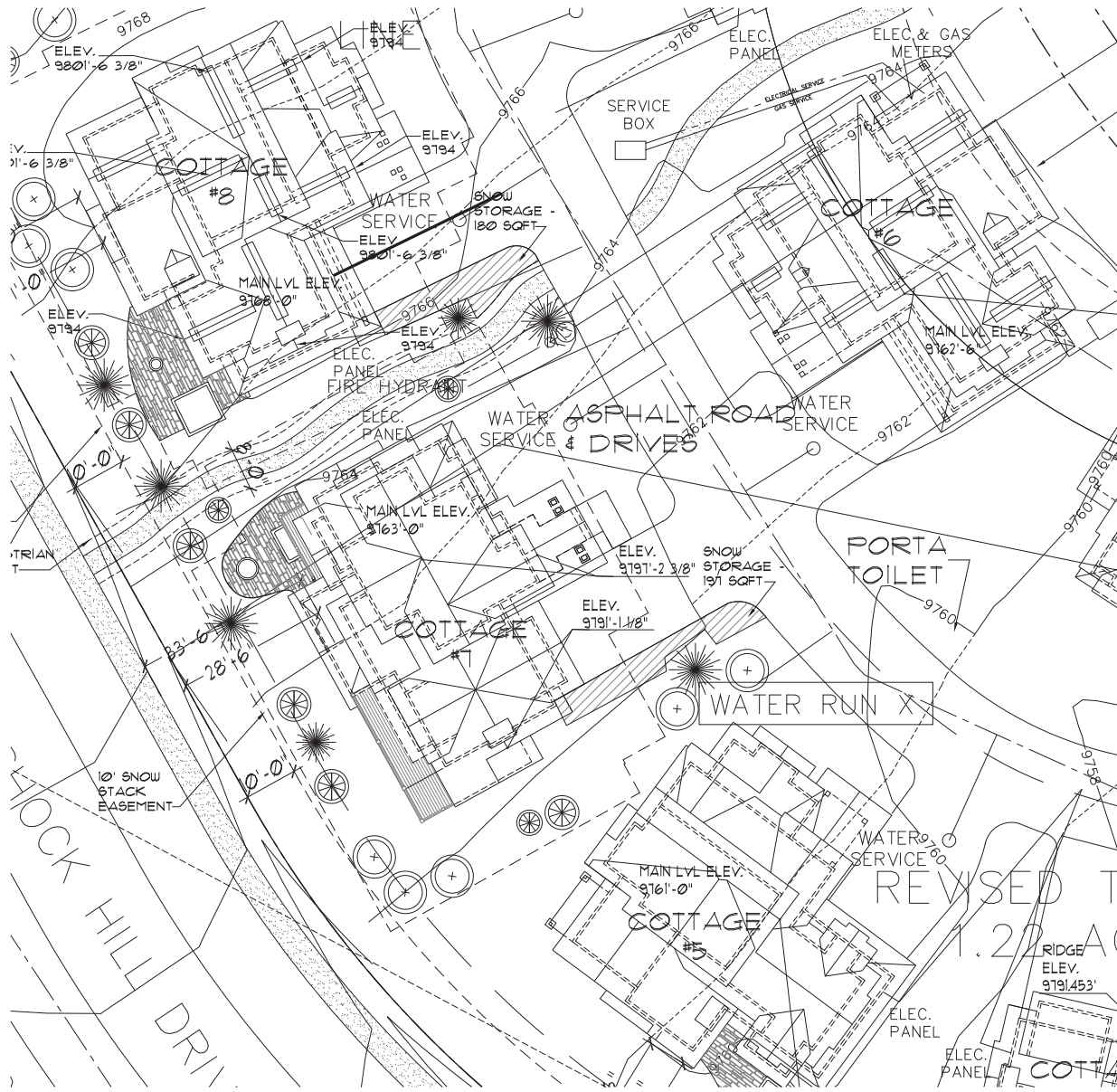
SHOCK HILL COTTAGE #7

COTTAGE #7
TRACTS F & G
BRECKENRIDGE, CO 80424

Revisions:
PLANNING 09.14.15

Date: 07.11.13
Project No: 2263.071
Drawn by: BKT
Checked by: KHR

A2.1
ENLARGED SITE PLAN



- TREES TO BE ADDED:
- (5) 1.5" - 2.0" CALIPER ASPEN
 - (3) 12' COLORADO SPRUCE
 - (4) 10' COLORADO SPRUCE
 - (1) 8' COLORADO SPRUCE
 - (3) 6' COLORADO SPRUCE

-ALL AREAS DISTURBED BY CONSTRUCTION ACTIVITIES SHALL BE PLANTED WITH A SHORT-DRY NATIVE GRASS SEED MIX

-ALL PLANTINGS WILL BE IRRIGATED W/ A DRIP IRRIGATION SYSTEM.

1 ENLARGED LANDSCAPE PLAN
A2.2 1"=10'-0"



ARCHITECTURE,
PLANNING, INTERIORS

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620 Main Street, Suite 8
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Fax: 970.668.2318
www.obparch.com

SHOCK HILL COTTAGE #7

COTTAGE #7
TRACTS F & G
BRECKENRIDGE, CO 80424

Revisions:
PLANNING 05.14.15

Date: 07.11.13

Project No: 2263.071

Drawn by: BKT

Checked by: KHR

A2.2

ENLARGED LANDSCAPE
PLAN

© COPYRIGHT

SHOCK HILL COTTAGE #7

COTTAGE #7
TRACTS F & G
BRECKENRIDGE, CO 80424

Revisions:
PLANNING 09.14.15

Date: 07.11.13

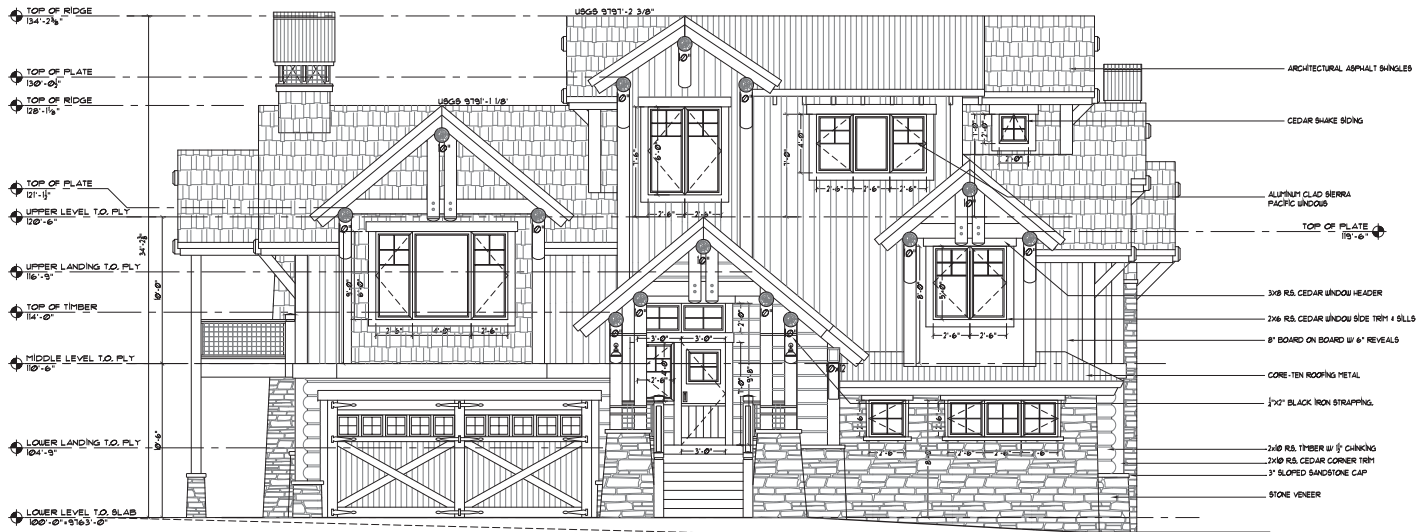
Project No: 2263.071

Drawn by: BKT

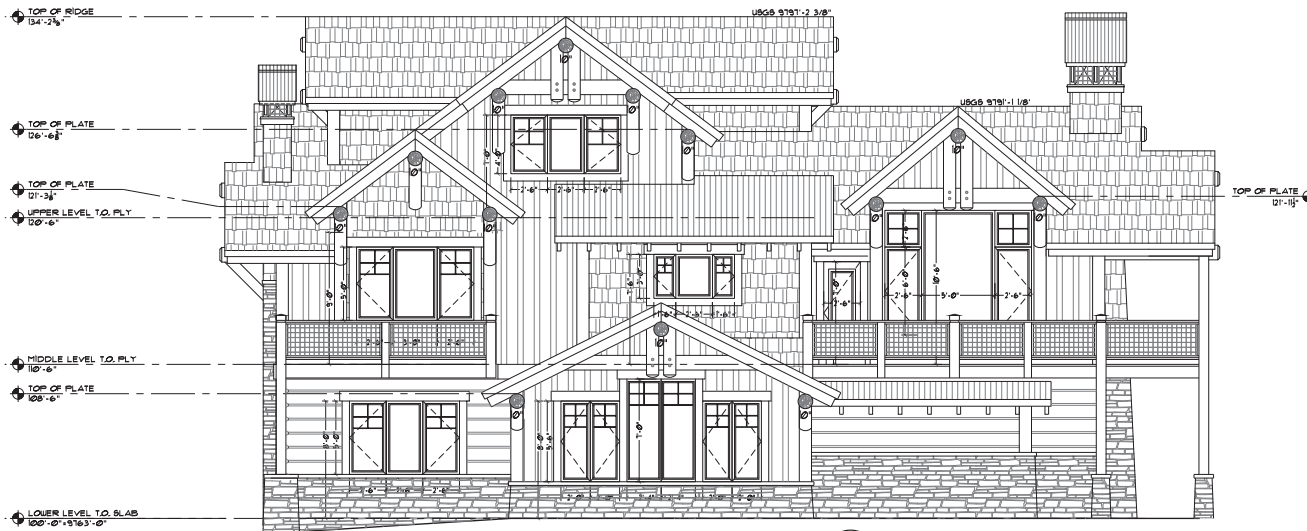
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A5.0

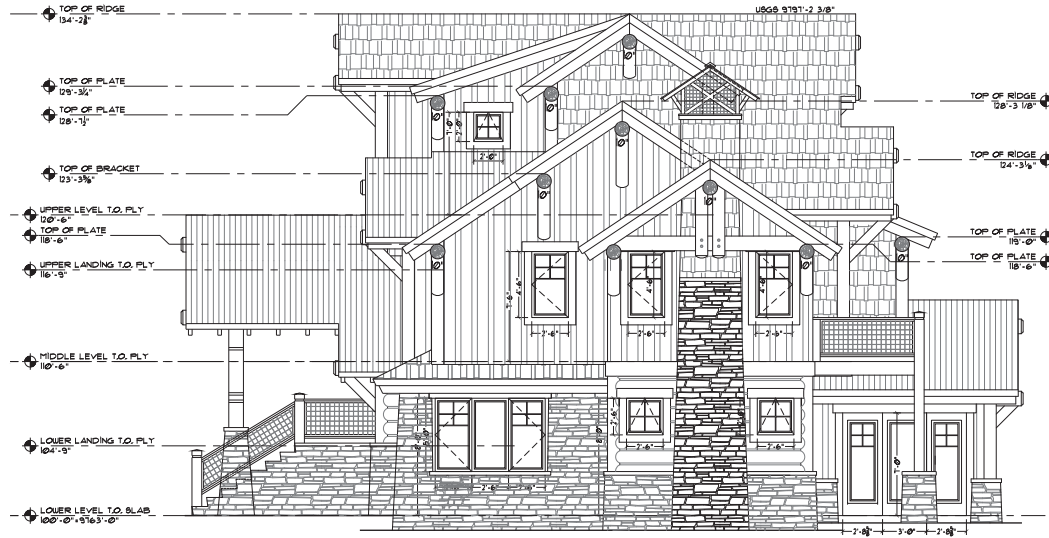
ELEVATIONS



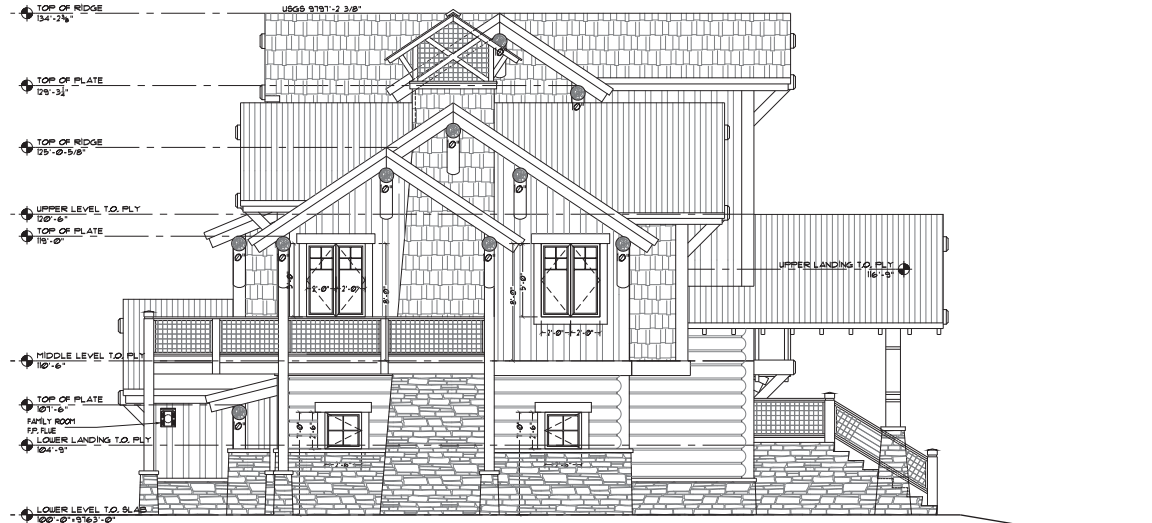
1 FRONT ELEVATION
A5.0 1/4" = 1'-0"



2 BACK ELEVATION
A5.0 1/4" = 1'-0"



1 SIDE ELEVATION
 AB.1 1/4" = 1'-0"



2 SIDE ELEVATION
 AB.1 1/4" = 1'-0"

Scheme C

Lot #7, Lot #14
(new scheme)



Trim: Sherwin Williams Charwood 3542



Siding/ V groove: Sherwin Williams Chestnut 3524



Window Cladding: Sierra Pacific Regal Brown 059



TO: Planning Commission

FROM: Julia Puester, AICP, Senior Planner

DATE: June 5, 2015 for meeting of June 16, 2015

SUBJECT: Work Session: Temporary Structures (Policy 36 Absolute) Regarding Tents

The last update to the Temporary Structures ordinance was approved by the Town Council on April 8, 2104.

Primary changes to the Policy April 8, 2014 included:

- Prohibiting temporary structures (not associated with special events) within the Conservation District.
- Allowing a temporary structure to remain in place for up to 3 years (rather than 2 years).
- Allowing uses currently prohibited including office, retail, industrial or commercial uses.
- Allowing for temporary structures on a property without having to obtain a building permit to replace the existing use on site.
- Moving “construction trailers” from the Policy 36 Temporary Structures to Policy 29 Construction Activities.

Issues have arisen since the last update to the policy regarding temporary tents for events. Recently, staff saw a request for a private function with a tent for thirty (30) days in duration which was not approved under the current policy. There is a lack of detail in the Temporary Structures Policy as well as the Town Code Special Events Chapter for such private events (Chapter 13, Title 4- ordinance attached as separate document). The proposed policy modification attempts to rectify this and make further clarifications regarding tents. As proposed, staff is not recommending temporary tents be allowed for more than a five (5) day duration.

Primary corrections addressed in this ordinance include:

- Temporary Event: A 5 day limit for tents with a Class D minor permit, 30 days in between permit issuance, not to exceed 3 permits per year.
- Grandfather clause: The Beaver Run summer seasonal tent has been approved by the Town Planning Commission process (via a Class C) for over 15 years. As there have been no issues with this permitted tent during this time, staff is suggesting a grandfather clause in this case.

Staff has attached the draft ordinance with changes in bold and double underline as a work session item and would like to hear if there are any concerns or comments from the Planning Commission.

9-1-5 DEFINITIONS

Class D - Minor:

H. Temporary structures to be used for three (3) days or less.

I. Temporary tents to be used for five (5) days or less.

Class C DEVELOPMENT: Any development which includes any of the following activities or elements:

C. Temporary structures to be used for longer than three (3) days.

D. Temporary tents meeting the exception section 9-1-36A (G).

TEMPORARY STRUCTURE: A structure, other than a vendor cart, construction trailer, **temporary tent**, or seasonal noncommercial greenhouse, that is not designed as a permanent structure, but is instead designed to be utilized only for a specified and limited period of time of not more than two (2) years.

TEMPORARY TENT STRUCTURE: A tent that is utilized for social or commercial events for a specified and limited period of time of not more than five (5) days.

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

- A. Prohibited In Conservation District: The placement of temporary structures **and temporary tents** within the conservation district is prohibited, except when authorized by a special event permit issued pursuant to [title 4, chapter 13](#) of this code **or when located on public property with Town permission.**
- B. Discouraged Outside Conservation District: The placement of temporary structures outside of the conservation district is strongly discouraged.
- C. Temporary Structures Or Uses: Temporary structures as defined in section [9-1-5](#) of this chapter are subject to the following conditions:
- (1) Temporary structures shall only be utilized to replace an existing structure being demolished on site while a new, permanent structure on the same site is being constructed.
 - (2) The temporary structure shall have no greater floor area than the structure it is temporarily replacing.
 - (3) The temporary structure shall not be placed on site until a building permit has been issued for the new structure, and shall be removed once a certificate of occupancy for the new structure has been issued.

(4) 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.

D. Other Permitted Temporary Structures: Subsection C 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.

E. Seasonal Noncommercial Greenhouses: Seasonal noncommercial greenhouses are not temporary structures but may be allowed subject to the following conditions:

- (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) A seasonal noncommercial greenhouse shall not be placed on a permanent foundation;
- (5) A seasonal noncommercial greenhouse shall be constructed of materials which, taken as a whole, give the appearance of a unified and coordinated design;
- (6) A seasonal noncommercial greenhouse shall be maintained at all times in a neat and orderly condition;
- (7) 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) 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.

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

The director 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. (Ord. 10, Series 2014)

F. Temporary Tents: Temporary tents are not temporary structures as defined in Section 9-1-5 of the Development Code but may be allowed subject to the following conditions:

- (1) A temporary tent shall be limited to a five (5) day duration;**
- (2) A temporary tent shall obtain a Class D minor permit;**
- (3) Only one temporary tent permit may be issued per property or business within 30 consecutive calendar days;**
- (4) Temporary tents shall not exceed three (3) permits per year; or**
- (5) Temporary tents may be located on public property with Town permission. These tents are exempt from subsections (F)(1-4) of this policy.**

G. Exempt Temporary Tents: Tents are not temporary structures as defined in Section 9-1-5 of the Development Code but may be allowed subject to the following conditions:

A temporary tent that is determined by the planning director to have:

- (1) Been operated in the same location for a period of fifteen (15) consecutive seasons (e.g. summer) with a valid development permit prior to the effective date of this ordinance _____, 2015; and**
- (2) An application for designation as an exempt temporary tent shall be processed as a class C development permit application.**
- (3) An exempt temporary tent is not subject to the requirements and limitations of this policy, and may continue to be operated without being brought into compliance with the requirements and limitations of this policy. However, an exempt temporary tent is subject to the following requirements:**
 - a. If an exempt temporary tent is discontinued from active and continuous use (including seasonal closures) for a period of twelve (12) consecutive months, the temporary tent loses its designation as an exempt temporary tent. Such temporary tents shall not be used again until it is brought into compliance with the requirements and limitations of this policy, and a new development permit issued pursuant to this policy.**
 - b. A temporary tent that is once brought into compliance with the requirements of this policy is no longer eligible for designation as an exempt temporary tent.**

H. Conditions Of Approval: The Town may impose reasonable conditions when approving a development permit under this policy as provided in section 9-1-17-7 of this chapter. Such conditions may include, if appropriate, the requirement that the permittee provide a monetary guarantee to the town, in a form acceptable to the town attorney, ensuring the complete removal of the temporary tent, site cleanup, and site revegetation, when the permit expires without being renewed, or is revoked.

9-1-19-45A: POLICY 45 (ABSOLUTE) SPECIAL COMMERCIAL EVENTS:

A class D minor development permit may be issued to authorize a special commercial event. An application for a development permit to authorize a special event shall be subject to the following: (Ord. 40, Series 2002; and Ord. 1, Series 2014)

- A. A special commercial event permit issued pursuant to this policy may authorize the holder of the permit to do one or more of the following in connection with the special commercial event: erect temporary structures; **temporary tents**, display signs and banners to promote or advertise the special commercial event or its participants; have live or recorded, amplified music in connection with the special commercial event; conduct a live, remote radio broadcast at the site of the special commercial event, and distribute commercial handbills to promote and advertise the special commercial event and its participants.
- B. No permit for a special commercial event shall be issued unless the reasonably anticipated impacts of such event are adequately mitigated. The town shall have the power to impose reasonable conditions on such permit in accordance with section [9-1-17-7](#) of this chapter when necessary to protect the public health, safety and welfare. Such conditions may include, without limitation: 1) restrictions on location, hours of operation, and parking; 2) requirements for trash collection, removal and disposal; 3) restrictions on noise; 4) requirements for sanitation; 5) requirements for traffic control and security; and 6) requirements for the cleanup of the site following the conclusion of the special commercial event.
- C. If a special commercial event is to be held on property which does not belong to the nonprofit sponsor, written approval from the owner of the property where the special commercial event is to be held shall be submitted along with the development permit application. (Ord. 40, Series 2002)
- D. If a special commercial event is to be held on property owned by the town, the nonprofit sponsor shall obtain permission to use the property from the town manager and shall, at its cost, obtain and maintain in effect throughout the special commercial event commercial general liability insurance with limits of liability not less than one million dollars (\$1,000,000.00), or such higher limits of liability as the town manager may require based upon the nature of the special commercial event and other relevant factors. The town shall be named as an additional insured under such insurance policy. (Ord. 28, Series 2013)

E. The following provisions of this code shall not apply to a special commercial event conducted pursuant to a development permit issued under this policy, unless the application of such provision is made an express condition of the permit:

- (1) Section [9-1-19-36A](#), "Policy 36 (Absolute) Temporary Structures", of this chapter (prohibition against use of temporary structures).
- (2) Section [9-1-19-44A](#), "Policy 44 (Absolute) Radio Broadcasts", of this chapter (pertaining to live, remote radio broadcasts).
- (3) Section [5-8-9](#) of this code (prohibition against the use of sound for advertising).
- (4) Section [8-2-15](#) of this code (prohibition against off premises signs and banners, prohibition against use of attention getting devices, and prohibition against use of sandwich board signs only).
- (5) Section [11-5-3](#), "Limitation On Manner Of Distributing Commercial Handbills In Public Places", of this code.

To the extent that any of the provisions set forth above conflict with the provisions of this policy, the provisions of this policy shall control. (Ord. 40, Series 2002)

F. One class D minor development permit may authorize more than one special commercial event, if all of the special commercial events will occur on the same property. No such permit shall be valid for more than six (6) months from the date of issuance. (Ord. 1, Series 2014)

ORDINANCE NO. 10

Series 2015

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 13 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING SPECIAL EVENTS; AND MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE RELATED THERETO

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

Section 1. Chapter 13 of Title 4 of the Breckenridge Town Code is repealed and readopted with changes to read as follows:

Chapter 13
SPECIAL EVENTS

- 4-13-1: SHORT TITLE:
- 4-13-2: PURPOSE:
- 4-13-3: FINDINGS:
- 4-13-4: DEFINITIONS:
- 4-13-5: PERMIT REQUIRED:
- 4-13-6: EXCEPTIONS:
- 4-13-7: APPLICATION FOR PERMIT:
- 4-13-8: FEES:
- 4-13-9: INVESTIGATION OF APPLICATION:
- 4-13-10: STANDARDS FOR ISSUANCE OF PERMIT:
- 4-13-11: RELATIONSHIP TO OTHER TOWN ORDINANCES:
- 4-13-12: DENIAL OF PERMIT:
- 4-13-13: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT:
- 4-13-14: NONDISCRIMINATION; CONTENT NEUTRALITY:
- 4-13-15: DECISION BY TOWN MANAGER:
- 4-13-16: NOTICE OF DECISION:
- 4-13-17: APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT:
- 4-13-18: CONTENTS OF PERMIT:
- 4-13-19: PERMIT NOT TRANSFERABLE:
- 4-13-20: NOTICE OF ISSUANCE OF PERMIT:
- 4-13-21: INSURANCE REQUIREMENT:
- 4-13-22: DUTIES OF PERMITTEE:
- 4-13-23: POSTING OF PERMIT:
- 4-13-24: SUSPENSION OR REVOCATION OF PERMIT:
- 4-13-25: PENALTIES; INJUNCTIVE RELIEF:
- 4-13-26: RULES AND REGULATIONS:

4-13-1: SHORT TITLE:

This chapter shall be known and may be cited as the TOWN OF BRECKENRIDGE SPECIAL EVENTS ORDINANCE.

4-13-2: PURPOSE:

The purpose of this chapter is to establish a procedure for permitting and regulating special events, as that term is defined in this chapter. It is not the intent of this chapter to regulate speech or other forms of conduct protected by either the first amendment to the United States constitution or by the Colorado constitution. The permitting process established by this chapter is intended to be content neutral and not subject matter based. This chapter is intended merely to establish a nondiscriminatory mechanism by which the town can control, through appropriate regulation, the holding of special events.

4-13-3: FINDINGS:

The town council hereby finds and determines as follows:

A. The town of Breckenridge is authorized to regulate businesses operating within the town pursuant to section 2.2 of the Breckenridge town charter and section 31-15-501, Colorado Revised Statutes.

B. Special events, as defined in this chapter, contribute to the economic, cultural, social, and environmental health and wellbeing of the community.

C. Special events, however, create special regulatory problems and quality of life issues, including, but not limited to, the need for crowd control, sanitation, security, traffic management, parking, infrastructure, and desire to balance the quality and quantity of events.

D. In enacting this chapter the town council is exercising its police power as granted by the town's charter, and the constitution and statutes of the state of Colorado, as well as its power to license and regulate business activities.

4-13-4: DEFINITIONS:

As used in this chapter the following words have the following meanings, unless the context clearly requires otherwise:

APPLICANT: A person who has submitted an application for permit pursuant to this chapter.

APPLICATION: An application for permit submitted pursuant to this chapter.

DAY: A calendar day, unless otherwise indicated.

ENTERTAINMENT: Includes, but is not limited to, touring exhibitions, concerts, performances of dance, music, drama, art and comedy, parades, sporting exhibitions or contests, festivals, fairs, automotive displays, and performances of skill.

FILMING: The taking of motion pictures, the taking of still photography or the use and operation of television cameras or transmitting television equipment, including radio remotes and any preparatory activity associated therewith, and shall include events that include, but are not limited to, the making of feature or documentary films, television serials, webcasts, simulcasts or specials. The town manager shall provide in the administrative rules and regulations adopted pursuant to section 4-13-26 appropriate exemptions from the permitting requirements of this chapter for filming and photography activities not significantly affecting Town property and not requiring substantial Town services .

PERMIT: A permit issued by the town pursuant to this chapter.

PERMITTEE: The person to whom a permit has been issued pursuant to this chapter.

PERSON: Has the meaning provided in section 1-3-2 of this code.

SPECIAL EVENT OR EVENT: A planned or organized occurrence that:

(a) includes an expected gathering of 50 or more people if: (i) the primary purpose of the occurrence is entertainment; (ii) the public or a substantial portion of the public is invited to the occurrence, either by express invitation or by implication; and (iii) the occurrence is expected to have a visual, noise, or environmental impact, or to cause disruption of the normal routine of the community or the affected neighborhood; or

(b) involves filming.

TOWN: Has the meaning provided in section 1-3-2 of this code.

TOWN MANAGER: The Town Manager of the Town of Breckenridge, or his or her designee acting pursuant to section 1-7-2 of this code.

4-13-5: PERMIT REQUIRED:

No person shall stage, hold, present, or conduct a special event within the town without a valid permit issued in accordance with this chapter.

4-13-6: EXCEPTIONS:

The requirements of this chapter shall not apply to:

- A. An indoor special event of any kind;
- B. A special event held by the town;
- C. An event held at Carter Park, Kingdom Park, or the town's multipurpose fields contracted through the recreation department and constituting "normal or regular" use of those town facilities; or
- D. An event protected by either the first amendment to the United States constitution or by the Colorado constitution; provided, however, that a person staging, holding, presenting, or conducting such an event shall submit an application and obtain a permit pursuant to this chapter, but there shall be no fee required and the deadline for submission of an application as provided in subsection 4-13-7B of this chapter does not apply to such an application. The town manager may also modify any other requirement of this chapter with respect to such an application if necessary to comply with applicable law.

4-13-7: APPLICATION FOR PERMIT:

- A. A person seeking to obtain a permit shall file an application with the town manager. The form of the application shall be established by the town manager in administrative rules and regulations adopted pursuant to section 4-13-26.
- B. An application for a special event permit shall be filed with the town manager not less than forty five (45) days nor more than three hundred sixty five (365) days before the special event is proposed to begin. The town manager may waive the minimum forty five (45) day filing period and accept an application filed within a shorter time period if, after due consideration of the date, time, place, and nature of the special event, the anticipated number of participants, and the town services required in connection with the special event, the town manager determines that sufficient time exists for the proper investigation and review of the application; that the waiver will not present a hazard to public health, safety or welfare; and that the waiver will not create a substantial burden on the town's staff or financial resources.
- C. A permit issued pursuant to this chapter eliminates the need for a development permit to authorize the special event. However, an applicant may still be required to obtain a development permit depending on the size and scale of any temporary structures proposed to be used in connection with the special event. The need for a development permit will be determined by the town manager once the application has been received and reviewed.
- D. An application for a special event permit shall contain such information as shall be established by the town manager in administrative rules and regulations adopted pursuant to section 4-13-26.
- E. Applications shall be processed by the town manager in order of receipt.

4-13-8: FEES:

- A. When an application is filed an applicant shall pay to the town a nonrefundable application fee in such amount as shall be established by the town manager in administrative rules and regulations adopted pursuant to section 4-13-26.
- B. If the application includes a request to use any town property or any town service in connection with the special event, then before the permit is issued the applicant shall pay to the town any required charges, fees, or deposits required by the town in connection with the use of the requested town property or the provision of the requested town service.

4-13-9: INVESTIGATION OF APPLICATION:

- A. Upon receipt of a properly completed application, together with all information required in connection therewith, and the payment of the application fee as required by section 4-13-8 of this chapter, the town manager shall transmit copies of the application to such persons, agencies, or departments as the Town Manager shall identify in administrative rules and regulations adopted pursuant to section 4-13-26.

B. Within thirty (30) days of receipt of a completed application those town departments and other referral agencies described in subsection A of this section shall provide the town manager with comments concerning the application. If an application is accepted by the town manager less than forty five (45) days before the proposed special event is to be held, the town departments and other referral agencies shall use their best efforts to provide the town manager with their comments in a timely manner so that the town manager will have the comments before making a decision on the application.

4-13-10: STANDARDS FOR ISSUANCE OF PERMIT:

A. The town manager shall issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, the town manager determines that:

1. The application (including any required attachments and submissions) is complete and signed by the applicant;
2. The applicant has paid the application fee and any other fees required by section 4-13-8 of this chapter;
3. The application does not contain a material falsehood or misrepresentation;
4. The application complies with all of the requirements of this chapter;
5. The applicant is legally competent to contract under Colorado law;
6. The applicant or the person on whose behalf the application is made has not previously damaged town property and failed to pay in full for such damage, and the applicant does not have other outstanding and unpaid debts to the town;
7. The duration of the event will not be longer than five (5) consecutive days, unless the town manager (and not the town manager's designee acting pursuant to section 1-7-2 of this code), after taking into account all relevant factors related to the event, determines that the proposed event may be longer;
8. The proposed special event will not conflict with:
 - a. A special event for which a permit has previously been issued;
 - b. A town sponsored event;
 - c. An annual special event which is reasonably expected to be held again, but for which an application has yet to be submitted; or
 - d. An event protected by the first amendment to the United States constitution or by the Colorado constitution which due to its anticipated size, location, hours of operation, or other relevant factors, is reasonably expected to require such town services or personnel as to make the holding of the special event for which the application was submitted a potential risk to the public health, safety or welfare.
9. The holding of the proposed special event will not cause significant disruption in the ability of the town to deliver or provide essential governmental services;
10. Adequate sanitation and other required health facilities are or will be made available at or sufficiently near to the proposed special event area(s);
11. Sufficient parking is available near the site of the proposed special event to accommodate the number of vehicles reasonably expected for the event, or an acceptable transportation and parking plan to provide adequate parking for the proposed special event has been submitted and approved by the town manager;
12. The proposed special event will not pose a danger to the public health, safety or welfare;
13. The proposed special event will positively impact the town culturally, economically, environmentally or socially.

4-13-11: RELATIONSHIP TO OTHER TOWN ORDINANCES:

Notwithstanding anything contained in this code to the contrary:

A. A permit issued under this chapter is not a special events liquor license. If alcoholic beverages are to be served at the special event, the permittee must obtain the required permit or approval from the town clerk or the town of Breckenridge liquor licensing authority.

B. A permit issued under this chapter may authorize the permittee to exceed the maximum noise levels provided in title 5, chapter 8 of this code in connection with the holding of the special event for which the permit is issued; and the town manager may establish specific maximum noise levels for any such event. The town manager shall apply the standards set forth in subsection 5-8-12A of this code in connection with any request for permission to exceed the maximum noise levels provided in title 5, chapter 8 of this code.

C. A permit issued under this chapter shall be treated as a special event permit within the meaning of section 9-1-19-44A, "Policy 44 (Absolute) Radio Broadcasts", of the development

code. No class D minor development permit shall be required to authorize any radio broadcast conducted as a special event.

D. Except as specifically provided in this section, in addition to a permit a permittee must obtain all other required town permits and approvals before holding the special event authorized by the permit, including, but not limited to, a development permit and building permit.

4-13-12: DENIAL OF PERMIT:

A. The town manager shall deny an application for a special event permit if the town manager determines that:

1. The application conflicts with another event as described in subsection 4-13-10A8 of this chapter;
2. Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material respect;
3. The application fails to meet any of the standards set forth in section 4-13-10 of this chapter;
4. The time, route, or size of the event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a street or highway at a time when it is usually subject to heavy traffic congestion;
5. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place upon or along the town streets or property;
6. The applicant has failed to pay costs, fees, or deposits for a previous special event permit within the preceding five (5) years; or the applicant has failed to pay the town for damages arising from a previous special event held by the applicant, regardless of when such event was held; or
7. The applicant has failed to abide by the requirements or conditions of previous special event permits within the preceding five (5) years.

B. If an application is denied the application fee shall not be refunded.

4-13-13: AUTHORITY TO IMPOSE CONDITIONS ON PERMIT:

The town manager shall have the authority to impose such reasonable terms and conditions on a permit as may be necessary to protect the public health, safety, and welfare, and to obtain compliance with the requirements of this chapter and applicable law.

4-13-14: NONDISCRIMINATION; CONTENT NEUTRALITY:

The town manager shall uniformly consider each application for a permit upon its merits, and shall not discriminate in granting or denying a permit under this chapter based upon race, creed, color, religion, national origin, ancestry, sex, age, veteran status, sexual orientation, or physical or mental disability. Further, the town manager shall be content neutral in reviewing an application, and shall not consider the subject matter of any type of speech proposed as part of the application.

4-13-15: DECISION BY TOWN MANAGER:

A. The town manager shall approve, deny or conditionally approve an application within forty (40) days of the receipt of the completed application unless, by written notice to the applicant, the decision period is extended for an additional ten (10) days; provided, however, that in any event the town manager shall render a decision on an application not less than forty eight (48) hours prior to the scheduled commencement of the special event which is the subject of the application.

B. If an application is denied, the town manager shall clearly set forth in writing the grounds for denial and, where feasible, shall propose measures to cure the defects that lead to the denial of the application. When the basis for denial is the prior receipt of a competing application for the same time and place, the town manager shall suggest an alternative time or place for the special event which is the subject of the application which was denied.

C. In the event an application is conditionally approved, the town manager shall clearly set forth in writing the conditions of approval.

4-13-16: NOTICE OF DECISION:

The town manager shall notify the applicant of the town manager's decision on the application within three (3) business days of rendering the decision. Notice shall be given by mailing a copy of the town manager's decision to the applicant by regular mail, postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing.

4-13-17: APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT:

A. An applicant has the right to appeal the town manager's denial or conditional approval of an application to the town council.

B. An applicant's appeal of the town manager's denial or conditional approval of an application shall be processed in accordance with title 1, chapter 19 of this code; provided, however, that the applicant's written notice of appeal shall be filed with the town manager within ten (10) days after the date of mailing of the town manager's decision on the application.

C. The applicant shall be provided with not less than ten (10) days' prior written notice of the appeal hearing to be held by the town council.

D. The burden of proof in an appeal filed under this section shall be on the applicant.

E. If the town council finds by a preponderance of the evidence that the decision of the town manager was correct, the town council shall uphold the decision of the town manager. If the town council finds by a preponderance of the evidence that the decision of the town manager was incorrect, the town manager's decision shall be set aside and the permit issued (if it was previously denied) or the conditions of approval stricken or modified.

F. Any decision made by the town council pursuant to this section shall be a final decision and may be appealed to the district court pursuant to rule 106(a)(4) of the Colorado rules of civil procedure. The applicant's failure to timely appeal the decision is a waiver of the applicant's right to contest the denial or conditional approval of the application.

G. If there is any conflict between the provisions and requirements of this section and the provisions and requirements of title 1, chapter 19 of this code, the provisions and requirements of this section shall control.

4-13-18: CONTENTS OF PERMIT: The required contents of a permit shall be established by the town manager in administrative rules and regulations adopted pursuant to Section 4-13-26.

4-13-19: PERMIT NOT TRANSFERABLE:

A permit is nontransferable and nonassignable. Any attempt to transfer or assign such permit voids the permit.

4-13-20: NOTICE OF ISSUANCE OF PERMIT:

Immediately upon the issuance of a permit, the town manager shall send a copy of the permit to such persons, agencies, or departments as the Town Manager shall identify in administrative rules and regulations adopted pursuant to section 4-13-26.

4-13-21: INSURANCE REQUIREMENT:

Each permit shall require the permittee to file with the Town's finance and municipal services department prior to commencement of the setup of the special event a certificate of insurance demonstrating that the permittee has in effect a policy or policies of general liability insurance covering the special event with minimum combined single limits of not less than one million dollars (\$1,000,000.00). Such insurance shall remain in full force throughout the entirety of the special event for which the permit is issued. The town shall be named as an additional insured under such insurance policy. If alcoholic beverages will be served at the special event, the permittee must also provide proof of liquor liability insurance.

4-13-22: DUTIES OF PERMITTEE:

In connection with the holding of the event for which a permit is issued, a permittee shall:

A. Comply with all of the terms and conditions of the permit;

- B. Comply with all applicable town ordinances and state and federal laws; and
- C. Permit inspection of its records and special event facilities by the town manager for the purpose of determining the permittee's compliance with the terms and conditions of the permit.

4-13-23: POSTING OF PERMIT:

A permit shall be continuously posted in a conspicuous location at the site of the special event throughout the duration of the special event.

4-13-24: SUSPENSION OR REVOCATION OF PERMIT:

A. A permit issued pursuant to this chapter may be suspended or revoked by the town manager after a hearing for the following reasons:

1. Fraud, misrepresentation or a false statement of material fact contained in the permit application;
2. A violation of any town, state, or federal law or regulation;
3. A violation of any of the terms and conditions of the permit;
4. A violation of any of the provisions of this chapter;
5. Threatening weather conditions if the town manager determines that holding the special event under such conditions would either:
 - a. pose a threat to the public health, safety or welfare, or
 - b. pose a threat to any town owned property to be used in connection with this special event;
6. The existence of fire or drought conditions if the town manager determines that holding the special event under such conditions would pose a threat to the public health, safety or welfare;
7. Any unforeseen, unanticipated, or uncontrollable circumstance if the town manager determines that holding the special event under such circumstance would pose a threat to the public health, safety or welfare; or
8. An irreconcilable scheduling conflict with an event protected by either the first amendment to the United States constitution or by the Colorado constitution.

B. In connection with the suspension of a permit, the town manager may impose reasonable conditions.

C. A hearing held pursuant to this section shall be processed in accordance with title 1, chapter 19 of this code.

D. In deciding whether a permit should be suspended or revoked, and in deciding what conditions to impose in the event of a suspension, if any, the town manager shall consider:

1. The nature and seriousness of the violation;
2. Corrective action, if any, taken by the permittee;
3. Prior violation(s), if any, by the permittee;
4. The likelihood of recurrence;
5. All circumstances surrounding the violation;
6. Whether the violation was willful;
7. The number of previous special events held by the permittee;
8. The number of previous violations by the permittee; and
9. Previous sanctions, if any, imposed against the permittee.

E. The town manager shall have the authority to summarily suspend a permit during a special event if it appears to the town manager that a permittee has violated one or more of the terms and conditions of a permit or any applicable law and, based upon the available information, the town manager, in consultation with the police chief, reasonably determines that such violation results in an immediate threat to the public health, safety and welfare. No appeal is allowed from a summary suspension of a permit issued by the town manager pursuant to this subsection.

F. If the town manager suspends a permit, except for a summary suspension pursuant to subsection E of this section, or revokes a permit, the permittee may appeal the suspension or revocation to the town council in accordance with title 1, chapter 19 of this code. The burden of proof in such an appeal is on the permittee. If the town council finds by a preponderance of the evidence that the town manager acted correctly in suspending or revoking the permit, the town council shall uphold the town manager's order of suspension or revocation. If the town council

finds by a preponderance of the evidence that the town manager acted improperly in suspending or revoking the permit, the appeal shall be sustained, and the town manager's order of suspension or revocation shall be set aside. Any decision made by the town council pursuant to this section shall be a final decision and may be appealed to the district court pursuant to rule 106(a)(4) of the Colorado rules of civil procedure. The applicant's failure to timely appeal the decision is a waiver of the applicant's right to contest the denial or conditional approval of the application.

G. No fee previously paid by a permittee in connection with the application shall be refunded if such permit is suspended or revoked.

4-13-25: PENALTIES; INJUNCTIVE RELIEF:

A. It is a misdemeanor offense for any person to violate any provision of this chapter. Any person convicted of having violated any provision of this chapter shall be punished as set forth in title 1, chapter 4 of this code.

B. The staging, holding, presenting, or conducting of a special event without a valid permit issued pursuant to this chapter may be enjoined by the town in an action brought in a court of competent jurisdiction, including, but not limited to, the town's municipal court pursuant to section 1-8-10 of this code.

4-13-26: RULES AND REGULATIONS:

The town manager shall have the authority from time to time to adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this chapter. Such regulations shall be adopted in accordance with the procedures established by title 1, chapter 18 of this code.

Section 2. Section 9-7-6(F) of the Breckenridge Town Code [OUTDOOR DISPLAY OF MERCHANDISE ORDINANCE] is amended to read as follows:

F. A special event for which a permit has been issued pursuant to title 4, chapter 2 of this code.

Section 3. Section 9-7-6(I) of the Breckenridge Town Code [OUTDOOR DISPLAY OF MERCHANDISE ORDINANCE] is amended to read as follows:

I. Outdoor Sales Days: Outdoor displays of merchandise conducted on Outdoor Sales Days as established by the town manager. In setting Outdoor Sales Days, the town manager shall consult with representatives of the business community to determine appropriate dates. At least thirty (30) days before setting Outdoor Sales Days each year, the town manager shall advise the town council of the proposed dates of such event.

Section 4. Section 4-2-11 of the Breckenridge Town Code [TRANSIENT DEALER'S LICENSE ORDINANCE] is amended to read as follows:

4-2-11: SPECIAL EVENT BUSINESS LICENSE:

The sponsor of any fair, show or exhibition of arts, crafts or similar handiwork, or the sponsor of any special event to be held pursuant to a permit issued pursuant to title 4, chapter 2 of this code shall obtain a special events business license from the town manager at least fourteen (14) days prior to the event. Said application shall include the name and local address of the sponsor, proposed duration of the event, names and addresses of the artisans or merchants taking part in the event, purpose of the event, and goods or types of goods to be sold, and a statement under oath as to whether the applicant or its agents have ever been convicted of any crime or misdemeanor and, if so, the nature thereof.

A. At the time of filing of the application, the sponsor must pay a license fee of two hundred fifty dollars (\$250.00) to the town clerk, or the artisans or merchants must obtain a business license from the town clerk as provided in subsection 4-2-5 of this chapter, to cover the costs of investigating the facts stated in the application and administrative costs.

B. At least five (5) days prior to the event, each merchant taking part in the event shall file with the town clerk, a sworn statement, on a form furnished by the town clerk, which shall give the following information:

1. Name, phone number and permanent home/business address.
2. Date of birth.
3. Colorado state sales tax number.
4. Anticipated taxable sales from the special event.

C. Merchants covered under a special events business license shall be exempt from the license fee provided in subsection 4-2-5D of this chapter, but are subject to the sales tax deposit as described in subsection 4-2-5E of this chapter.

D. Organizations meeting the qualifications set forth in subsection 4-2-12A of this chapter shall be exempt from the special events license fee, but shall be subject to all other requirements of this section.

E. The town manager may impose reasonable conditions on the approval of the special events business license, including, but not limited to, required sanitation and cleanup measures, security measures or reasonable requirements to secure the payment of the sale tax due to the town.

Section 5. Except as specifically amended by this ordinance, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 6. The Town Council finds, determines, and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 7. The Town Council finds, determines, and declares that it has the power to adopt this ordinance pursuant to the provisions of Section 31-15-501, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 8. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 28th day of April, 2015.

This ordinance was published in full on the Town of Breckenridge website on April 30, May 1, May 2, May 3 and May 4, 2015.

A public hearing on this ordinance was held on May 12, 2015.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 12th day of May, 2015. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

_____/s/_____
Helen Cospolich, Town Clerk

_____/s/_____
John G. Warner, Mayor

APPROVED IN FORM

_____/s/_____
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on May 13, May 14, May 15, May 16 and May 17, 2015. This ordinance shall become effective on June 12, 2015.

Planning Commission Staff Report

Subject: Barney Ford Museum Landmarking
(Class B Minor, PL-2015-0201)

Proposal: To locally landmark the Barney Ford Museum at 200 S. Main St. (111 E. Washington) per Section 9-11-3, Designation of Landmarks, Landmark Sites, Historic Districts and Cultural Landscape Districts, of the Town Code.

Date: June 9, 2015 (For meeting of June 16, 2015)

Project Manager: Michael Mosher, Planner III

Applicant/Owner: Saddle Rock Society

Agent: Town of Breckenridge

Address: 200 S. Main St./111 E. Washington

Legal Description: Stiles Addition, Block 2, Lots 1, 2 & 3

Site Area: 0.26 acres (11,723 sq. ft.)

Land Use District: 19-Commercial- 1:1 FAR, Residential-20 UPA

Historic District: 7-South Main Street Residential (9-12 UPA)

Site Conditions: The property is a large lot located at the southeast corner of Main Street and Washington Avenue. The lot, which is elevated, slopes slightly down to the west to a 3 to 4-foot high rock retaining wall than runs along Washington Avenue and Main Street. The lot contains the historic Barney Ford House which is set back approximately 100-feet from Main Street. There is large front yard with mature trees that partially screen the structure.

Adjacent Uses: North -Washington Avenue
South -Commercial
West -Main Street
East -Residential/Office (McAdoo Master Plan)

Vicinity Map:



Item History

The House was originally constructed in 1882 and was home to Barney and Julia Ford. Barney Ford was a former slave from South Carolina who became a successful Colorado businessman and restaurateur upon escaping via the Underground Railroad. He is well known and respected throughout the State and the Nation for his participation in Black American rights. He is recognized for his influence on Colorado history and his image is memorialized in stain glass in the State Capital Building in Denver.

From the Town Cultural Resource Survey for this property:



The Barney Ford House is historically significant under National Register Criterion A for its association with Breckenridge's evolution as a successful Colorado mining town, during the late 1800s and early 1900s. The building is also architecturally notable, under National Register Criterion C, for its Victorian-era architecture, including some elements of the Italianate style. It is among Breckenridge's best preserved, and most notable historic residences. The Barney Ford House, however, is most significant for its association with its original owner,

Barney Ford. Although Ford is significant on the state and national levels (as well as locally), in Breckenridge, it is this property that is most closely associated with Ford's important contributions to

the region's history. The building is eligible for individual listing in the National and State Registers of Historic Places. It also qualifies for individual local landmark designation by the Town of Breckenridge, and should be considered a contributing resource located within the boundaries of the existing Breckenridge Historic District.

Staff Comments

With support of the Saddle Rock Society (owner), this report is focused solely on the local landmarking criteria associated with this property. There are no proposed changes to the property, therefore there is no discussion related to policies in the Development Code.

Chapter 11, Historic Preservation, 9-11-3: Designation Of Landmarks, Landmark Sites, Historic Districts And Cultural Landscape Districts: The Town is seeking to locally landmark the historic building. A “landmark” is defined by the ordinance as follows:

A designated individual building, structure, object or an integrated group of buildings, structures or objects having a special historical or architectural value. Unless otherwise indicated in this chapter, the term "landmark" shall include both federally designated landmarks and town designated landmarks.

The ordinance contains specific criteria that are to be used to determine whether a proposed landmark has the required special historical or architectural value. To be designated as a landmark, the property must: (1) meet a minimum age requirement; (2) have something special about either its architecture, social significance, or its geographical/environmental importance as defined in the ordinance; and (3) be evaluated for its “physical integrity” against specific standards described in the ordinance.

Staff has included a chart below as a tool. To be designated as a landmark the property must: (1) satisfy the **sole** requirement of Column A; (2) satisfy **at least one** of the requirements of Column B; and (3) also satisfy **at least one** of the requirements of Column C. Suggested selections are in **bold** and Staff Comments on how the property meets the criteria are in *italics*.

COLUMN "A"	COLUMN "B"	COLUMN "C"
<p>The property must be at least 50 years old. <i>(The house was constructed @ 1880.)</i></p>	<p>The proposed landmark must meet at least ONE of the following 13 criteria:</p> <p style="text-align: center;">ARCHITECTURAL IMPORTANCE</p> <ol style="list-style-type: none"> 1. The property exemplifies specific elements of architectural style or period. <i>(Victorian-era architecture, including some elements of the Italianate style.)</i> 2. The property is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally. 3. The property demonstrates superior craftsmanship or high artistic value. <i>(It is among Breckenridge's best preserved, and most notable historic residences.)</i> 4. The property represents an innovation in construction, materials or design. 5. The property is of a style particularly associated with the Breckenridge area. 6. The property represents a built environment of a group of people in an era of history. 7. The property includes a pattern or grouping of elements representing at least one of the above criteria. 8. The property is a significant historic remodel. <p style="text-align: center;">SOCIAL IMPORTANCE</p> <ol style="list-style-type: none"> 9. The property is a site of an historic event that had an effect upon society. 10. The property exemplifies cultural, political, economic or social heritage of the community. 11. The property is associated with a notable person or the work of a notable person. <i>(The Barney Ford House is most significant for its association with its original owner, Barney Ford, a former slave that turned into a successful businessman and statesman.)</i> <p style="text-align: center;">GEOGRAPHIC/ENVIRONMENTAL IMPORTANCE</p> <ol style="list-style-type: none"> 12. The property enhances sense of identity of the community. 13. The property is an established and familiar natural setting or visual feature of the community 	<p>The proposed landmark must meet at least ONE of the following 4 criteria:</p> <ol style="list-style-type: none"> 1. The property shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation. 2. The property retains original design features, materials and/or character. <i>(The building displays the fine craftsmanship of a bygone era and historic materials, and has been particularly well preserved.)</i> 3. The structure is on its original location or is in the same historic context after having been moved. 4. The structure has been accurately reconstructed or restored based on documentation.

Staff believes that the above required criteria have been met with this application and the house can be recommended for local landmarking.

Staff Recommendation

The Planning Department suggests the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the Barney Ford Museum at 200 S. Main St. (111 E. Washington), PL-2015-0201 based on proposed restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity significance as stated in Section 9-11-4 of the Landmarking Ordinance.



MEMORANDUM

TO: Planning Commission
FROM: Julia Puester, AICP, Senior Planner
DATE: June 5, 2015 for meeting of June 16, 2015
SUBJECT: Joint Planning Commission/Town Council Meeting Topics

In preparation for the joint meeting between the Town Council and Planning Commission on July 28th, staff would like to suggest the following topics for discussion. These topics are derived from the 2015 Top Ten Planning Commission list.

Some topics that could be discussed at the meeting include:

1. Development Agreement provisions relationship with point generating Development Code policies.
This topic has been raised several times over the last year at Planning Commission. Development Agreements should address whether policies which are being waived are or are not being assessed negative points.
2. Temporary tents.
A recent topic raised by the Breckenridge Tourism Office and event planners. Neither the current Special Event Chapter in the Town Code or Development Code Temporary Structures policy adequately address when, where and duration for event tents not used for general public admission. Topic could focus on duration, location, if there should be different rules for inside the Conservation District, etc.
3. Policy 7/R regarding retaining wall heights and site disturbance.
As the more developable lots have been built on, more complex steeper lots remain. With current development levels, we are seeing more development on these difficult lots. In the past year, the Commission has discussed applications with steep retaining walls with regard to points and design alternatives that may cause more visual impacts on hillsides (e.g. cutting slopes back up to half the lot to keep retaining walls at a four (4) foot height).
4. Sign Code Amendments Update.
The Council is holding final readings in June on some relatively minor amendments to the Sign Code, as Wendy Wolfe reported to the commission at her last Council update. The recommendations of the Planning Commission regarding sandwich boards and outdoor display were heard by Council and they are leaving those Sign Code provisions intact.

Staff would like to hear from the Commission if the four suggested topics above are preferred topics for the joint meeting with the Town Council. Staff has also listed the 2015 Planning Commission Top Ten

list with status updates for Planning Commission reference and possible alternative topics for the joint work session. Should the Commission have other suggestions, staff would like to hear them at the meeting on Tuesday.

2015 Planning Commission Top Ten List with Updates

1. Wireless Communication Towers/Antennas-*Currently in process*
2. Amenity Bonus Square footage/positive points (Policy 24/R Social Community)
3. Shuttles/positive point reallocation (Policy 25/R Transit)- **TOOK TO PC; NO CHANGE NEEDED**
4. Wood Shake Shingles-**NO ACTION REQUIRED AT THIS TIME**
5. Local Landmarking- Klack Placer Cabin; County Courthouse; Tin Shop; Mikolitis Barn; Barney Ford House; Sawmill Wakefield site; Lomax Placer; Dipping Station-**Lomax Placer complete**
6. Policy 7R regarding retaining wall heights and site disturbance
7. Parking: Residential parking in garages (positive points)
8. Public Art (off site improvements)-**TOOK TO PC; NO CHANGE NEEDED**
9. Mass Policy: Airlock Entries and other mass consuming energy conservation features
10. Employee housing annexation positive point allocations
11. Sandwich board signs/Outdoor display of merchandise- **TOOK TO PC; IN PROCESS WITH TC**
12. Development Agreement provisions relationship with point generating Development Code policies.