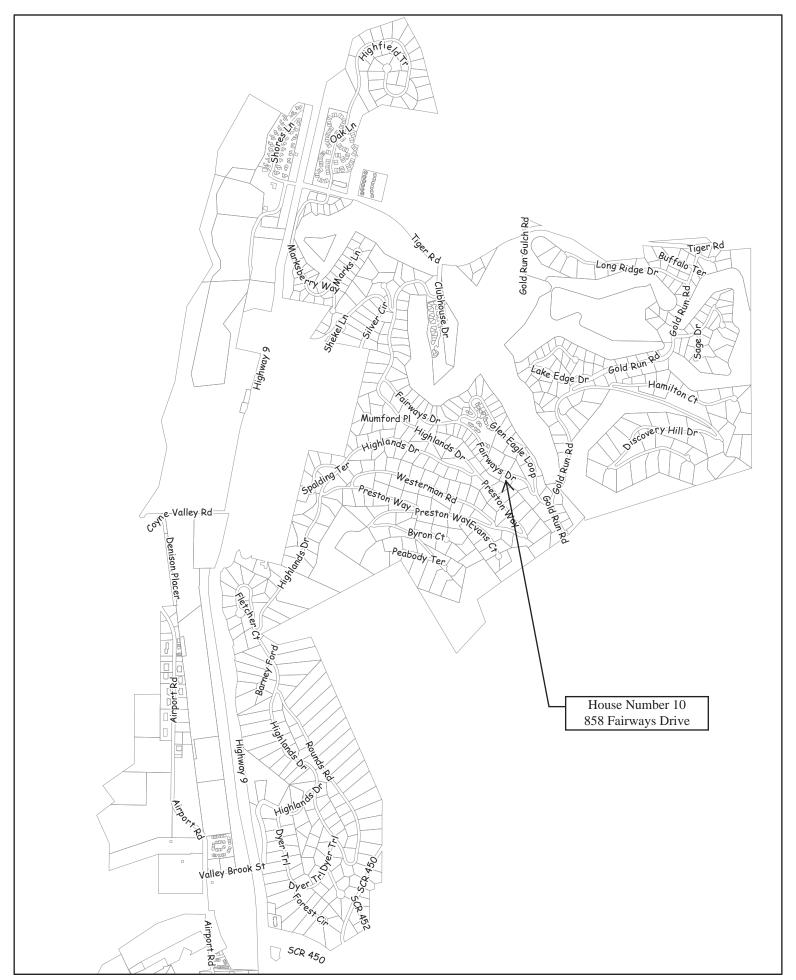


Tuesday, July 07, 2015 Breckenridge Council Chambers 150 Ski Hill Road

7:00pm	Call To Order Of The July 7 Planning Commission Meeting; 7:00 P.M. Roll Call		
	Location Map	2	
	Approval Of Minutes	4	
	Approval Of Agenda		
7:05pm	 Consent Calendar Jerky Small Vendor Cart (SG) PL-2015-0213; 100 South Main Street House Number 10 (MGT) PL-2015-0207; 858 Fairways Drive 	10 17	
7:15pm	Town Council Report		
7:30pm	 Preliminary Hearings 1. Nauman Residence Remodel and Landmarking (MM) PL-2015-0152; 211 East Washington Avenue 	30	
8:30pm	Combined Hearings1. Barron Fence Variance (MGT) PL-2015-0053; 68 Victory Lane	44	
9:00pm	Adjournment		

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

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



Not to Scale



PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher Gretchen Dudney Jim Lamb Dan Schroder Ron Schuman Eric Mamula

Dave Pringle arrived at 7:07 pm

Wendy Wolfe, Town Council Liaison, was absent.

APPROVAL OF MINUTES

With no changes, the June 2, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the June 16, 2015, Planning Commission Agenda was approved as presented.

CONSENT CALENDAR:

1) Cottage #7, The Cottages at Shock Hill (MM) PL-2015-0166, 51 Regent Drive

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

WORKSESSIONS:

1) Temporary Structures (Tents) (JP)

Ms. Puester presented. The last update to the Temporary Structures ordinance was approved by the Town Council on April 8, 2014.

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 with tents not being addressed except for those that qualify as special events. The Town Code Special Events Chapter (Chapter 13, Title 4) however, applies only to public events, not private. 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 issues 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.

A few issues that have come up since writing this memo include the not for profit Barney Ford lot which is

privately owned, not Town property, temporary tent sales which could be addressed with being permitted with approved sidewalk sale days and as mentioned before, the 30 day private function tent at Grand Lodge Peak 7.

Commissioner Questions / Comments:

Mr. Lamb: Where do greenhouses fit in? (Ms. Puester: It is in temporary structures policy, but we aren't

proposing any changes to that part of the policy, just adding in a section on tents.)

Ms. Dudney: I need a few more examples. Beaver Run would come under this policy? (Ms. Puester: That

would fall under the grandfather exemption clause proposed since it has had more than 15 consecutive permits, section G.) Arts Festival is a special event not a temporary structure? (Ms. Puester: Yes, is a special event. A temporary structure per code is when you are knocking down a building and using a temp structure in the meantime. A temporary tent would be a new addition to the code, proposed at a limit of 5 day durations. Another example is a restaurant having a band on their deck with a tent and these have gone through special events because it is open to the public. If it is a private event, like a wedding, then

the potential is for that to fall under the 5 day temporary permit.)

Mr. Mamula: I'd like to separate the conservation district out for the discussion. Let's talk about

conservation district. One of the issues Julia touched on is the issue of density, parking, PIFs. I would love to be able to put up a tent in March and have additional seating for people. It is just increasing year-round seating without all the other things like density, PIFs and so on. Burke and Reilly's tent for St. Patrick's Day month is a special event right now. (Mr. Grosshuesch: The duration of what they did this year would not be allowed under the proposed changes. It was allowed under SEPA because of an interpretation of that ordinance. We are trying to make the two ordinances more compatible with each other by addressing requests that neither one squarely addresses. But for tonight's meeting, we are not discussing the Special Event ordinance here. We don't want to see temporary tents going on longer than 5 days.) (Ms. Puester: If they are in conservation district they need to be a part of a special event or be on Town Property is how this is proposed.) But the non-profit gets special advantage to have a wedding tent; I think the ordinance should also allow them for a for profit business too then. It isn't fair to private enterprise to exempt the Arts District

or Barney Ford.

Ms. Dudney: I'm not quite sure I understand the harm for a restaurant to put up a tent but other non-profits

are. There is no way for the restaurants to have one in the conservation district?

Mr. Lamb: As proposed, you are allowed 3 permits of 5 days a year, so you can do it 15 days total

(outside of the Conservation District).

Ms. Dudney: But a private restaurant can't do it at all unless they go through SEPA if they are in the

conservation district?

Mr. Mamula: But that (SEPA) is not under the Planning Commission authority.

Ms. Dudney: A restaurant has to go through SEPA? (Ms. Puester: Yes if it's a special event "open to the

public".)

Mr. Mamula: Unless you have a SEPA permit in the conservation district you can't get a tent. I think it is

patently unfair that a public property can do this but private property can't. (Mr. Grosshuesch: If private bars and restaurants were allowed the 5 days rule as the private entities outside of the Conservation District are allowed by these changes, would that be good for you?) The issue is, is it ok to limit the number of days that tents are up? Most of the time these tents are up in the summer, except for Burke and Reilly's that does New Year's and St. Patty's Day. It would allow 3, 5-day events for the year. (Mr. Grosshuesch: We got to the 5 days because we seem to tolerate events that only last a weekend but then you have holiday weekends like the 4th of July that sometimes start on Wednesday, so that's where we

drew the line.)

Mr. Pringle: Would the draft ordinance somehow separate it so it can't be 15 days in a row? (Ms. Puester:

As proposed, it has to be a month apart.)

Mr. Schroder:

I think tents make the town lively. They draw your attention. Town, Arts District, doesn't have to adhere to the code right? (Ms. Puester: We do try to live by our own rules. They often use the SEPA process. I would like to set it up so that we aren't limiting the Arts District or Town's activities.) I agree with Ms. Puester and I don't want to limit the Arts District.

Mr. Mamula:

I think there is a big difference when it's a band or public event but I don't think that weddings should be allowed to get tents on town property or for nonprofits. (Mr. Grosshuesch: The Council didn't want temporary structures in the conservation district in general last year. They are accepting of the Arts District having tents, outdoor activities. When they drew the parking lot they discussed permanent anchors for tents. We programmed Masonic Hall to be able to hold receptions and want it to integrate with Barney Ford because they have tents and events. We saw it as a revenue generating area for the nonprofits. There was a lot of support fort these are sites to host events and receptions. So we are drawing this ordinance so that we can continue to allow that programming be fulfilled.) I totally get that, but the Town can't just hold events in order to get funding but at the detriment of private entities. I don't think this is fair. I think there is a balance that says that public events are appropriate but when they go into private functions and weddings then it is direct competition and same rules apply.

Mr. Pringle:

The Town hasn't been in the wedding business until now? (Ms. Puester: The Riverwalk Center has been a venue for a long time.) There are a lot of weddings at Father Dyer all the time and I'm thinking that if people know they can have a wedding in the Arts District they will love it and a tent will be up every weekend. (Mr. Grosshuesch: Weddings are a piece of the summer economy. The wedding and event planners understand that the Council is ok with this. The Heritage Alliance has allowed weddings in the Barney Ford lawn for the last 5 years.) It sounds to me like this is going to be a significant piece of late summer / fall business in the Arts District.

Mr. Mamula: Which is fine as long as private entities can do it to.

Ms. Christopher: I agree that it should be fair.

Mr. Mamula: I'm ok with the Arts District as long as private enterprise can do the same thing. Like have a

tent on your deck. (Mr. Grosshuesch: I think that is a fair comment.)

I think it is one thing to have a BBQ for 4th of July open walled tent on museum lawn as Mr. Pringle:

> opposed to a big event tent with walls on it as opposed to a big tent in the Arts District. I'd be wanting to make sure we aren't walling off in the Arts District. (Mr. Grosshuesch: We are the landlord for the Arts District and I think we will be able to deal with concerns. There

will be a lot of public input if these events get out of hand.)

Mr. Mamula: We want a level playing field in the conservation district.

Mr. Pringle: It really bothers me to see the 5 Hour Energy tent in the public plaza there all summer but it

is allowed because of SEPA. It looks terrible. Don't understand why that is allowed through SEPA. (Mr. Grosshuesch: SEPA's rules are more fluid; it is a marketing thing not a land use thing. They meet on a regular basis and manage it from an impacts perspective; it is a lot more fluid with a lot of people influencing it. We need to focus on what we oversee. The (SEPA) events are reviewed at the end of each event and feedback is given on how to improve them.) (Ms. Puester: Does the 5 day rule sound reasonable? Does the 30 days in between?) If the event is only one day, could we say that the tent only goes up the day before and comes down after the event and be up no more than 5 days. Please put this in the ordinance. (Ms. Puester: The exempt tent with Beaver Run who has had permits for 15 consecutive years; support for it to be grandfathered?)

Mr. Mamula:

What if we make it something like anyplace that has more than 75 rooms, make something broader for the larger properties? (Mr. Grosshuesch: Breck Grand Vacations has an event for their owners that goes on 5 weekends. We didn't know about it until recently but it is

currently against the code. Beaver Run has been doing theirs for a long time. So we wrote in a grandfather clause for Beaver Run because it has been approved by Planning Commission and Town Council for so long. Beaver Run lends itself to a grandfather clause. The Breck Grand Vacations is more recent but with similar impacts. We could make them take the tent down in between Saturdays, but that's very expensive to do. We aren't quite sure how to do this one. It is one of the unresolved issues with the ordinance draft.)

Mr. Pringle:

The Beaver Run tent was put up before the convention center went up. Then the convention center goes up and we still have the tent. We don't want to get into the same situation with Breck Grand Vacations. I think we need to have a permitting process with a definite beginning and end that can be renewed. We don't want to see these permit processes stay because we have Sprung structures go up and don't go away.

Mr. Lamb:

It sounds like Grand Timber has been doing it for at least a few years? (Ms. Puester: Possibly but we didn't know about it or permit it, trying to work that out right now.)

Mr. Schuman:

How big are they? Maybe they allow a size limitation. (Ms. Katie LeStrange, Breck Grand Vacations: I wanted to sit in on this and we ended up with a SEPA permit since it wasn't allowed but it isn't open to the public. We have been stuck in the middle. It is an event we've had for 5 years and it is in the off season that brings in people to the Town. It is a happy hour, music event for our owners. It is on the Sevens patio. It is for 2 hours for every Saturday, last weekend of April goes through the end of May but not during Memorial Day.)

Ms. Dudney:

The Grand Vacations and Beaver Run, they should be allowed. The question is what about others? Have we had other requests?

Mr. Pringle:

We have a good temporary structure ordinance; we don't get a lot of permit applications. When does this become a big problem, when other large entities want longer time periods? I'm leery about making wholesale changes. I think Breck Grand Vacations should get a permit. (Ms. Puester: The problem is that there isn't the ability in the current codes for Breck Grand Vacations to get a permit; they don't really meet SEPA since it is a private event and they don't meet our temporary structures permit requirements either. We can't just turn our heads because then we have no parameters for other businesses. Should we allow this or not? If so, we need to craft some direct language so people know what they can or cannot do and where. Needs to be universal.) (Mr. Truckey: Is it fair to give it just to Beaver Run and Breck Grand Vacations and not other big lodges?)

Ms. Dudney:

Let's open it up and err on the side of fairness.

Mr. Lamb:

I'm fine with Beaver Run and also Peak 7. I would like to give this back to staff to see what they come up with that is fair to everyone. I think it could be worded in a way that we could keep it under control. (Ms. Puester: I'm hearing support of the 30 day separation.) Yes, the historic district should be 5 days, 30 days apart.

Ms. Christopher: I'm not ok with grandfathering for a company who has been doing this for 15 years and only allowing them to have a seasonal tent. Either everyone can do it or not, or have parameters where there can only be 3 or 4 tents and let first come first serve.

Mr. Schroder:

Temporary is the word I have a problem with, because if they are doing it every summer it isn't temporary. I think Beaver Run should be vacated and new policy written so everyone has a chance.

Mr. Schuman:

I think there is a way to get rid of grandfather and open it up to size and quantity. I have a question: we are allowing a temporary structure to be there 3 years not 2 years? (Ms. Puester: That was approved last year with the modification to this policy. No change proposed to that.)

Mr. Pringle:

I agree with Mr. Schroder; we don't want to see Beaver Run continue, it is not for the purpose for which it was raised. The Breck Grand vacations tent was not allowed but we didn't have a code provision for that. I don't think it is fair that these continue. I don't think the code is broken because we've prohibited it in the code, but the problem is that we've looked the other way.

Mr. Schuman: I feel comfortable that staff can write a policy to get rid of the grandfather and make it fair.

Mr. Mamula: I would like to keep it to the "larger" lodges who have enough property to allow this to

happen. I don't want to see a small lodge tent their deck. (Mr. Grosshuesch: Fair equity way is to let everyone have 5 days 3 times a year.) I think there is scale issue, especially when they are bringing people in the off season. (Mr. Grosshuesch: Would you entertain seasonal

restrictions?) Yes.

Ms. Dudney: Shouldn't it be a legitimate special event instead of just increasing their density all summer

long?

Mr. Mamula: I don't think that is fair.

Ms. Christopher: If we don't allow anyone else why would we continue?

Ms. Dudney: Because maybe they didn't have a code back when it started, now it's part of their business

plan. Can't change the rules on them now.

TOWN COUNCIL REPORT:

Ms. Wolfe was absent but sent an e-mail with a summary:

- Moved through the sign code, going to second reading next week.
- Limited wetland TDR's.
- Continuing to work on the parking and transit plan.
- There was a meeting today with the Lodging Association. We are working on a series of meetings with the community which will begin soon.

OTHER MATTERS:

1) Barney Ford Museum Landmarking (Stiles, Block 2, Lots 1, 2 & 3) (MM) PL-2015-0201, 200 South Main Street

Mr. Mosher presented a proposal to locally landmark the Barney Ford Museum at 200 South Main Street (111 East Washington) per Section 9-11-3, Designation of Landmarks, Landmark Sites, Historic Districts and Cultural Landscape Districts, of the Town Code. The property is at least 50 years old, having been constructed around 1880.

The property exemplifies Victorian-era architecture, including some elements of the Italianate style, and is one of Breckenridge's best preserved and most notable historic structures. The Barney Ford House is most significant for its association with its original owner, Barney Ford, a former slave that became a successful businessman and statesman.

The property shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state or nation. The building displays the fine craftsmanship of a bygone era and historic materials, and has been particularly well preserved, thus satisfying the criteria of having the property retaining original design features, materials and / or character. Finally, the structure is on its original location or in the same historic context after having been moved.

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

Commissioner Questions / Comments:

Mr. Lamb: I just want to point out that from the aerial shot you can see a tent in the front yard.

Mr. Schroder made a motion to recommend the Town Council adopt an ordinance to Landmark the Barney

Ford Museum at 200 South Main Street (111 East Washington), PL-2015-0201, based on past restoration efforts and the fulfillment of criteria for Architectural and Physical Integrity Significance as stated in Section 9-11-4 of the Landmarking Ordinance. Mr. Schuman seconded, and the motion was carried unanimously (7-0).

2) Joint Town Council Work Session Topics

Ms. Puester presented. Suggested topics for the joint meeting with the Town Council on July 28 are:

- 1) Development Agreement provisions relationship with point generating Development Code policies.
- 2) Temporary Tents.
- 3) Policy 7/R regarding retaining wall heights and site disturbance.
- 4) Sign Code Amendments update.

The 2015 Planning Commission Top Ten List with Status 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.

Commissioner Questions / Comments:

Mr. Mamula: Sign codes are pretty much done as they are going for second reading next week. I would

like to have a planning commission work session on retaining walls. The first two are very

important.

Mr. Lamb: I also like the first two.

Mr. Mamula: We could reiterate that the sign code is important and that we are glad that they are taking

our recommendations and enforcing it. It looks terrible out there, sign after sign as you walk down the street. (Mr. Truckey: We won't be enforcing sign code until September, but we will be educating until then.) Anything else on the top ten list if we get through the first two. (Mr. Grosshuesch: We struggle where to go on a field trip, maybe parking structures and

shopping centers?) I think parking structures would be good field trip one with F Lot.

Mr. Pringle: We talk about development agreements with every Council.

Ms. Dudney: Just so you know, the International Council on Shopping Centers, which is part of CML, has

a big seminar here tomorrow night at Beaver Run.

ADJOURNMENT:

The meeting was adjourned at 8:12 pm.

Eric Mamula,	Chair

Planning Commission Staff Report

Project Manager: Shane Greenburg

Date: June 30, 2015 (For meeting of July 7, 2015)

Subject: Climax Jerky Wagon Vendor Cart Permit Renewal

(Class C-Minor; PL-2015-0213)

Applicant/Owner: Brooke Comai / Climax Jerky, Inc.

Proposal: To renew the vendor cart permit for Climax Jerky, Inc., a retail business that sells a

variety of dried meats, known as "jerky". The company has operated in Breckenridge since 2008. The covered wagon cart is 8'4" long, 4'4" wide and about 8' tall. The wagon

is constructed primarily of wood and steel, with a canvas cover.

Address: 100 S. Main Street

Legal Description: Lincoln West Mall

Site Area: 0.395 acres (17,230 sq. ft.)

Land Use District: 19: Commercial

Historic District: Commercial Core

Site Conditions: The property is developed with the Lincoln West Mall, a mixed use two-story building

with primarily retail and office uses. The main entrance to the mall is from the northwest corner of the building, at the intersection of Main Street and Lincoln Avenue. The area which the cart is located is a flat concrete and brick plaza. There is a platted "Food and Beverage Cart" area in the plaza, designated on the plat as "LCA 6A" (Limited Common

Element, assigned to unit 6A).

Adjacent Uses: North: Main Street and Towne Square Mall (Retail/Restaurant)

South: Retail Uses

East: Briar Rose Chop House West: Main Street and Retail Shops

Item History

The Jerky Wagon has been in this location since 2008. Prior to 2008, other vendors have used this location for vending food and beverages, dating back to at least 1992.

In March 2012 the Town Council adopted a revised Vendor Cart policy in the Development Code to address the new and existing vendor carts in town. The new Vendor Cart Policy 49 (Absolute) sets design standards for both large and small vendor carts. This proposal is for a small vendor cart, since it is less than 40 square feet and the cart will be removed from the site each day after operations end.

Staff Comments

Land Use (Policies 2/A & 2/R): Vendor carts are only allowed in Land Use Districts that allow or recommend commercial uses. This property is within Land Use District 19, which recommends commercial uses.

Per the Breckenridge Land Use Guidelines, District 19: District 19 is the community focal point and primary center of commercial activity, prominent for its historic character. It is preferred that the District remain a center of retail trade and services, with a pedestrian orientation. Commercial activities, particularly those which contribute to the solidarity of the central business district are encouraged. Ideally, this includes retail trade uses which are associated with pedestrian traffic areas.

Staff believes this proposal meets the guidelines established for Land Use District 19. There have been no issues since the cart was located here 7 years ago. Also, considering that the condominium plat for this property specifically shows a food vendor cart in this location, staff finds the use acceptable.

Vendor Carts (Policy 49/A): This policy addresses all of the aspects of vendor carts, including architecture, materials, colors, seating, signage, extension codes, storage, etc. If items are not addressed by this policy, then other polices may apply. Where this policy is more restrictive, then this policy applies.

The proposed vendor cart has been located here with the same design for the past 7 years. The wagon is constructed of steel and wood, with a canvas cover. The wagon has been found in the past to be an appropriate material and design for town. The wagon is on rubber wheels, but the applicants also add decorative wagon wheels (not used during transport) to add character to the wagon and screen the functional wheels.

Following are the vendor cart general design standards:

- 1. **General Design Standards Within the Conservation District:** The following general design standards apply as indicated to large vendor carts and small vendor carts located within the Conservation District:
- A. All large vendor carts and small vendor carts shall be designed to blend in with the existing historic character. This shall be accomplished through the proper use of architecture, materials and site planning. In the Conservation District, large vendor carts shall complement the surrounding building character through the use of high quality materials and detailing. Placing a large vendor cart in an unfinished vacant lot with no site improvements is prohibited.

The proposed vendor cart is on a finished, developed lot. The cart is designed like a covered wagon, which has been found appropriate to the history of the western United States and the Town. The wagon uses natural materials, including wood, metal and canvas (cotton).

B. All large vendor carts and small vendor carts must be constructed of professional quality for use as a food vending cart.

The Jerky Wagon is constructed of quality materials. All of the food sold from the wagon is pre-packaged off-site.

C. All large vendor carts and small vendor carts must be maintained in good working condition with no broken or rusty parts. All exterior materials must be kept clean and in a neat appearance. No rusty or broken metal or chipped or broken wood is allowed. All exposed edges must be finished. All wood details and finishes must be suitable for long wear in an exterior location. All detailing, construction and finishing shall be done in a craftsman like manner.

The existing Jerky Wagon is in good working condition. The owner has maintained the cart is good working order over the past 7 years. It contains no broken or rusty parts (other than some exterior metal, which has some rusted metal for architectural effect). All detailing is in a craftsman like manner.

Specific Design Standards for Small Vendor Carts:

- B. **Small Vendor Carts:** The following additional design and operational standards apply to small vendor carts:
 - 1. Small vendor carts must be located on private property. Complies.
 - 2. Small vendor carts may only sell food and beverages in forms suited for immediate consumption. Complies- Only pre-packaged jerky is sold from the wagon.
 - 3. Small vendor carts must be removed from its site and properly stored out of public view each day. Complies-The wagon is removed from the property and stored off-site each night.
 - **4.** If a small vendor cart is connected to the Town's municipal water system, the owner must pay water plant investment fees. If a small vendor cart is connected to the Town's municipal water system, it must also be connected to the public sanitation system. **The cart is not connected to water or sewer system.**
 - 5. If a small vendor cart uses a commissary kitchen, the commissary kitchen must be identified on the vendor cart permit application. If the commissary kitchen changes during the term of the permit, the small vendor cart permit holder must notify the Director within 10 days of the date of the change. All commissary kitchens are located outside of Breckenridge.
 - 6. Umbrellas may be used on a small vendor cart. Tents on or at small vendor carts are prohibited. **Complies- No tents or umbrellas are proposed.**
 - 7. All signage must be attached to small vendor cart. Free standing signage on or for a small vendor cart is prohibited. **Complies-There is an existing sign on cover of wagon.**
 - 8. All storage boxes, cartons, and coolers used in connection with the operation of a small vendor cart shall be hidden from public view. **Complies- All storage is inside the wagon/vendor cart.**
 - 9. No decks, tables, or outdoor seating are allowed for a small vendor cart, except one seat for the operator of the small vendor cart. Complies- Vendors work from inside the wagon/cart. There is no outdoor seating, except one seat on some occasions for the salesperson.
 - 10. No external piping or plumbing is allowed. **Complies- There is no external piping or plumbing proposed.**
 - 11. Extension cords may be used for a small vendor cart only if the cord is not located in an area where the public walks, and the placement of the extension cord does not create a public safety hazard. **Complies- There are no extension cords used.**
 - 12. Small vendor cart must be on wheels. Complies- The wagon is on wheels.
 - 13. Owners of small vendor carts must obtain and maintain in full force and effect throughout the permit a valid Town of Breckenridge business license. Complies-staff has not received any complaints and has no record of violations of the cart.
 - 14. All signs for a small vendor cart shall be subject to the Breckenridge Sign Code. The maximum allowed sign area for a small vendor cart is 66% of the linear frontage of the cart. **Complies.**
 - **15.** The operator of a small vendor cart shall comply with all applicable health regulations with respect to the operation of the small vendor cart. **Complies.**

Point Analysis (Section: 9-1-17-3): Staff found no reason to warrant positive or negative points for this application.

Staff Decision

The Planning Department has approved Climax Jerky Wagon vendor cart, PL-2015-0213, located at 100 S. Main Street, Lincoln West Mall, with the attached findings and conditions.

TOWN OF BRECKENRIDGE

Climax Jerky Wagon Mobile Vendor Cart Permit Renewal 100 S. Main Street PL-2015-0213

STAFF RECOMMENDATION: Staff recommends that the Planning Commission approve this application with the following Findings and Conditions.

FINDINGS

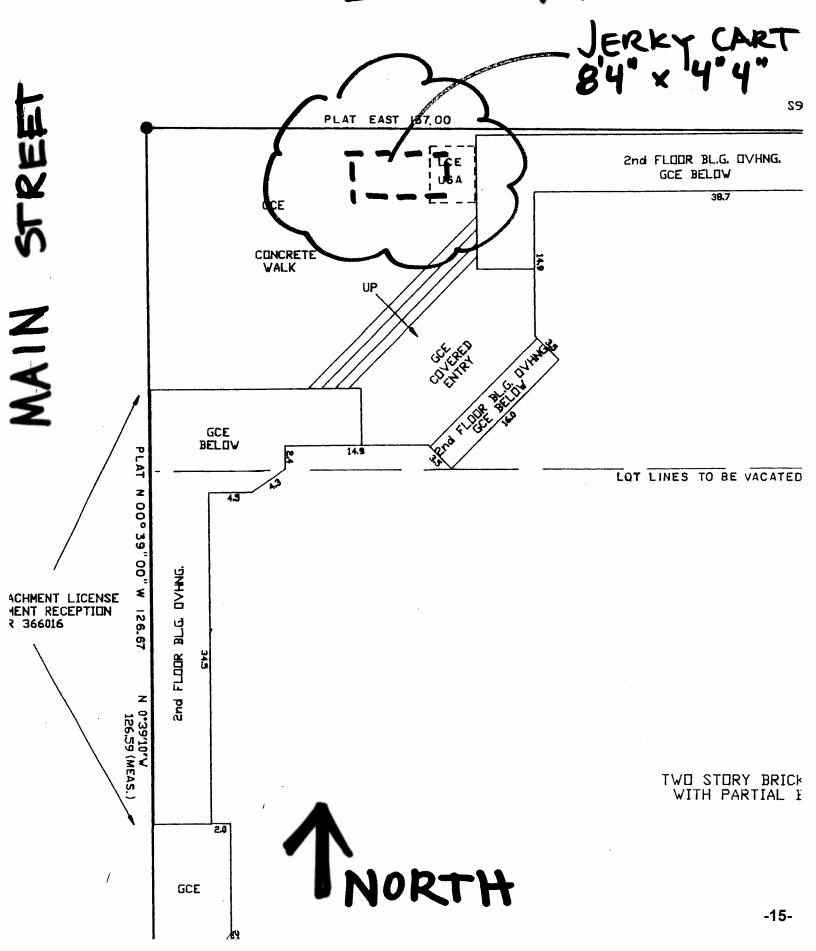
- 1. The project is in accord with the Development Code and does not propose a prohibited use.
- 2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
- 3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
- 4. This approval is based on the staff report dated **June 30, 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 **July 7**, **2015**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.

CONDITIONS

- 1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
- 2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop order requiring the cessation of work, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
- 3. This permit expires one (1) years from date of issuance, on **July 14, 2016**. 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 one (1) year, 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.
- 1. 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.
- 2. Applicant shall meet Policy 9-1-5 49/A (B) Small Vendor Carts.
- 3. Applicant shall remove the small vendor cart from its site and properly stored out of public view at the end of each business day.

- 4. All signage must be attached to small vendor cart. Free standing signage on or for a small vendor cart is prohibited. A separate sign permit is required for this small vendor cart.
- 5. 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 operational or material deviation from the approved plans and specifications without Town approval as a modification may result in the Town legal action under the Town's development regulations.
- 6. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of compliance for the project covered by this permit. The determination of whether a certificate of compliance 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.
- 7. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
- 8. This permit is for the operation of one (1) mobile vendor trailer operated by the applicant. The applicant has permission to place this mobile food trailer at 100 S. Main Street, Lincoln West Mall.
- 9. The applicant shall place the Jerky Wagon on private property in a manner that allows not only safe passage of other vehicles and pedestrians, but also safe access to the mobile vendor cart by potential customers.
- 10. Applicant shall provide a trash receptacle and recycling on the vending trailer for wrappers and other trash generated by the sale of food or drinks for sale. Applicant shall be responsible for keeping the area around the vendor cart free of trash and litter. The applicant shall not place trash in the Town's trash receptacles.
- 11. Applicant shall maintain adequate access to and from nearby buildings and sidewalks. Applicant's vendor cart shall not be placed in a way to obstruct pedestrian traffic or to become a nuisance.
- 12. Applicant shall maintain adequate insurance. Prior to issuance of a business license, a copy of the insurance policy shall be submitted to the Town Attorney for his review and approval. The policy shall include a provision requiring that the Town be notified when the policy lapses.
- 13. This permit is for one temporary vendor cart to be used only for the sale of food and beverages in a form suitable for immediate consumption. The vendor cart approved by this permit shall not be used for the sale of products, goods or services other than food in a form suited for immediate consumption. The cart shall not be used for the distribution of commercial handbills.
- 14. Fencing and outdoor seating must be approved by Town Planning Staff.
- 15. All items available for sale shall be contained within the vendor cart.

LINCOLN AVENUE









TOWN OF BRECKENRIDGE					
COMMUNITY DEVELOPMENT					
Class C Single Family Development Review Check List					
Project Title:	Project Title: House Number 10				
Proposal:	Single Family Residence				
Project Name/PC#:	House Number 10 PL-2015-0207				
Project Manager:	Matt Thompson, AICP				
PC Meeting Date:	July 7, 2015				
Date of Report:	June 30, 2015				
Property Owner:	Dean Lipppert & Mountain View Build	ders of Summit County			
Agent:	Michael F Gallagher, Architect				
Proposed Use:	Single Family Residence				
Address:	858 Fairview Drive				
Legal Description:	Lot 242 Highlands at Breckenridge G	Gold Run			
Area of Site in Square Feet:	38,594 sq. ft.	0.89 acres			
Existing Site Conditions:	The property slopes uphill at 14% from Fairways Drive to the rear of the property. There are two existing 12" pine trees on the lot. There is a 25' utility easement on the western side, and a 20' utility easement on the eastern side of the property.				
Areas of building:	Proposed Square Footage				
Lower Level:					
Main Level:	1,942 sq. ft.				
Upper Level:	1,481 sq. ft.				
Accessory Apartment:					
Total Density:	3,423 sq. ft.				
Garage:	805 sq. ft.				
Total:	4,228 sq. ft.				
	Code Policies (Po	plicy #)			
Land Use District (2A/2R):	1: Residential (Subject to the Delawa	are Flats Master Plan)			
Density (3A/3R):	Allowed: unlimited	Proposed: 3,423 sq. ft.			
Mass (4R):	Allowed: unlimited	Proposed: 4,228 sq. ft.			
F.A.R.	1:9.10 FAR				
No. of Main Residence Bedrooms:	irooms: 4 bedrooms				
No. of Main Residence Bathrooms:	3.5 bathrooms				
Height (6A/6R):*	32.0 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):					
Drip line of Building/Non-Permeable Sq. Ft.:	3,436 sq. ft.	8.90%			
Hard Surface/Non-Permeable Sq. Ft.:	: 3,043 sq. ft. 7.88%				
Open Space / Permeable:	le: 32,115 sq. ft. 83.21%				
Snowstack (13A/13R):					
Required Square Footage: 761 sq. ft. 25% of paved surfaces is required					
Proposed Square Footage:	1,152 sq. ft.	(37.86% of paved surfaces)			
Outdoor Heated Space (33A/33R):					

	NO				
Parking (18A/18/R):	Parking (18A/18/R):				
Required:	d: 2 spaces				
Proposed:	2 spaces				
Fireplaces (30A/30R):					
Number of Gas Fired:	1 Gas Fired				
Building/Disturbance Envelope?	Disturbance envelope				
Architectural Compatibility (5/A & 5/R):	The residence will be architecturally	compatible with the land use district and the neighborhood.			
Exterior Materials:	Moss rock, 1x10 horizontal siding (stained superdeck 2200 "Cedar"), 1x6 vertical siding (natural aged barnwood), window cladding "Colonial Red"				
Roof:	Composition asphalt shingles "Moun	tain Slate", rusted corrugated steel			
Garage Doors:	wood-faced foam/hardboard				
Landscaping (22A/22R):					
Planting Type	Quantity	Size			
Aspen	20	3 inch caliper - 50% multi-stem			
Spruce	8	10'-12'			
Pine	3	10'-12'			
Native shrubs	15	5 gallon			
Defensible Space (22A):	Complies				
Drainage (27A/27R):	Positive away from residence				
Driveway Slope:	8.00%				
Covenants:	Landscaping Covenant				
Point Analysis (Sec. 9-1-17-3):	Proposal warrants negative four (-4) points under Policy 7 (Relative) Site and Environmental Design for excessive paving related to the driveway design, and positive four (+4) points under Policy 22 (Relative) Landscaping for a plan that provides above average landscaping, for a passing point analysis of zero (0). Proposal meets all absolute policies of the Development Code. (Past precedent: 1.) Summit Premieir Residence, PC#2014065, 284 Timber Trail, +4 points for above average landscaping plan consisting of: Englemann Spruce (4) 8', (4) 12', Blue Spruce (4) 8', (4) 12', Aspen (31) 2.5" caliper. 2.) Three Fourteen Peerless, PC#2014057, +4 points for above average landscaping consisting of: Spruce (5) 10', (2) 12', (2) 14', Bristlecone Pine (2) 10', (3) 12', Aspen (16') 3" caliper.				
Staff Action:	Staff has approved House Number 10, PL-2015-0207, located at 858 Fairways Drive, Lot 242 Highlands at Breckenridge Gold Run, with the attached Findings and Conditions.				

Land Use Guidelines		1 		T	,
2015-2027 Mat Thompson, AICP	Droinst.		Doc!#!	Doints	144
Mathematics			Positive	Points	+4
Staff. Matt Thompson, AICP Total Allocation: 0 Total Allocation: 0 Sect. Policy Range Points Codes, Correlative Documents & Plat Notes Comples And Use Outdelines And Use Outdelin			Nogotivo	Points	-4
			negative	romis	-4
Received the policy of the pol	Jiaii.	matt mompson, Alor	Total	Allocation:	0
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Accidence Content Content Compiles	Sect.				
	1/A	· · · · · · · · · · · · · · · · · · ·			
Land Use Guidelines - Relationship To Other Districts 2x(-20)	2/A	Land Use Guidelines	Complies		
Land Use Guidelines - Nuisances 3x, 20	2/R	Land Use Guidelines - Uses	4x(-3/+2)		
Density/Intensity Comples	2/R				
Section Sect	2/R				
Mass Sx (22-20)					
Architectural Compatibility / Historic Priority Policies 3x(±2)					
Architectural Compatibility - Asserbics 3x(2+2)					
Architectural Compatibility / Dorservation District Sx(-5:0) Architectural Compatibility H. D. / Above Ground Density 12 (-3>-18) UPA					
Architectural Compatibility H.D. / Above Ground Density 12 U.P.A. Architectural Compatibility H.D. / Above Ground Density 10 U.P.A. Architectural Compatibility H.D. / Above Ground Density 10 U.P.A. Building Height Ground Height Height Inside H.D 25 feet Heitoric District Building Height Inside H.D 25 feet U.P.A. Building Height Inside H.D. / Stories U.P.A.					
UPA	5/10		, ,		
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UPA Comples			/ 0 -:		
Building Height General Provisions 1X(2,±2)	5/R		(-3>-6)		
Relative Building Height - General Provisions 1X(-2,+2)	6/A		Complies		
## the Historic District ## Di	6/R		1X(-2,+2)		
Size Sulding Height Inside H.D 23 feet (-13)		For all structures except Single Family and Duplex Units outside			
Building Height Inside H.D 25 feet					
Since Sinc	6/R		/		
Density in roof structure Tay, +1/-1					
Broken, interesting roof forms that step down at the edges					
For all Single Family and Duplex Units outside the Conservation District Density in roof structure Broken, interesting roof forms that step down at the edges 1x(+1/-1) 1x(0/+1) 1x(0			, ,		
Density in roof structure	0/13		1X(+1/-1)		
Density in roof structure					
Broken, interesting roof forms that step down at the edges 1x(+1/-1)	6/R		1x(+1/-1)		
Minimum pitch of eight in twelve (8:12) 1x(0/+1)	6/R				
Site and Environmental Design - General Provisions 2X(-2/+2)	6/R				
Site and Environmental Design / Site Buffering	7/R	Site and Environmental Design - General Provisions			
Site and Environmental Design / Retaining Walls Site and Environmental Design / Driveways and Site Circulation Systems 4X(-2/+2) -4 Excessive paving related to driveway design.	7/R				
Site and Environmental Design / Driveways and Site Circulation Systems 4X(-2/+2) - 4 Excessive paving related to driveway design. 5X(-7/R) Site and Environmental Design / Site Privacy 2X(-1/+1) Site and Environmental Design / Wetlands 2X(0/+2) Site and Environmental Design / Significant Natural Features 2X(-2/+2) Site and Environmental Design / Significant Natural Features 2X(-2/+2) Site and Environmental Design / Significant Natural Features 2X(-2/+2) Site and Environmental Design / Significant Natural Features 2X(-2/+2) Site and Environmental Design / Significant Natural Features 2X(-2/+2) Site and Environmental Design / Significant Natural Features 2X(-2/+2) Site and Environmental Design / Site Privacy 2X(-2/-2) Site and Environmental Design / Significant Natural Entures 2X(-2/-2) Site and Environmental Design / Significant Natural Entures 2X(-2/-2) Site and Environmental Design / Significant Natural Entures 2X(-2/-2) Site and Environmental Design / Significant Natural Entures 2X(-2/-2) Significant Natural Entures 2X(-2/-2) Significant Natural Entures 2X(-2/-2) Significant Natural	7/R				
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	17/A	External Circulation			
18/R Parking - General Requirements 1x(-2/+2)	18/A				
	18/R	Parking - General Requirements	1x(-2/+2)		ļ

40/D	D 1: D 1: \(\text{7.} \) (1)	0 (0(:0)		
	Parking-Public View/Usage	2x(-2/+2)		
	Parking - Joint Parking Facilities	1x(+1)		
	Parking - Common Driveways	1x(+1)		
	Parking - Downtown Service Area	2x(-2+2)		
	Loading	Complies		
	Recreation Facilities	3x(-2/+2)		
	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
	Landscaping	Complies		
22/R	Landscaping	2x(-1/+3)	+4	Above average landscaping plan.
	Social Community	Complies		
	Social Community - Employee Housing	1x(-10/+10)		
	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
24/R	,			
	Transit	4x(-2/+2)		
	Infrastructure	Complies		
	Infrastructure - Capital Improvements	4x(-2/+2)		
	Drainage	Complies		
	Drainage - Municipal Drainage System	3x(0/+2)		
	Utilities - Power lines	Complies		
	Construction Activities	Complies		
	Air Quality	Complies		
	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	Water Quality	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	Water Conservation	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		
	HERS index for Residential Buildings			
	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum			
	standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
	Savings of 50%-59%	+6		
	Savings of 60%-69%	+7		
	Savings of 70%-79%	+8		
	Savings of 80% +	+9		
	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
	Outdoor commercial or common space residential gas fireplace			
33/R	(per fireplace)	1X(-1/0)		
	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
	Hazardous Conditions	Complies		
	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
	Subdivision	Complies		
	Temporary Structures	Complies		
	Special Areas	Complies		
	Community Entrance	4x(-2/0)		
	Individual Sites	3x(-2/+2)		
	Blue River	2x(0/+2)		
	Cucumber Gulch/Setbacks	2x(0/+2)		
	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
	Home Occupation	Complies		
	Master Plan	Complies		
40/A	Chalet House	Complies		
	Satellite Earth Station Antennas	Complies		
42/A	Exterior Loudspeakers	Complies		
,,	Exterior Educapounera	Complica		1

43/A	Public Art	Complies	
43/R	Public Art	1x(0/+1)	
44/A	Radio Broadcasts	Complies	
45/A	Special Commercial Events	Complies	
46/A	Exterior Lighting	Complies	
47/A	Fences, Gates And Gateway Entrance Monuments	Complies	
48/A	Voluntary Defensible Space	Complies	
49/A	Vendor Carts	Complies	_

TOWN OF BRECKENRIDGE

House Number 10 Highlands at Breckenridge Gold Run Lot 242 858 Fairways Drive PL-2015-0207

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

FINDINGS

- 1. The project is in accord with the Development Code and does not propose a prohibited use.
- 2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
- 3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
- 4. This approval is based on the staff report dated **June 30, 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 **July 7**, **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 **January 14, 2017**, unless a building permit has been issued and substantial construction pursuant thereto has taken place. In addition, if this permit is not signed and returned to the Town within 30 days from the permit mailing date, the duration of the permit shall be 18 months, but without the benefit of any vested property right.
- 4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
- 5. Nothing in this permit shall constitute an agreement by the Town of Breckenridge to issue a certificate of occupancy for the project covered by this permit. The determination of whether a certificate of occupancy should be issued for such project shall be made by the Town in accordance with the applicable provisions of the Town Code, including, but not limited to the building code.
- 6. Driveway culverts shall be 18-inch heavy-duty corrugated polyethylene pipe with flared end sections and a minimum of 12 inches of cover over the pipe. Applicant shall be responsible for any grading necessary to allow the drainage ditch to flow unobstructed to and from the culvert.

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

PRIOR TO ISSUANCE OF BUILDING PERMIT

- 13. Applicant shall submit proof of ownership of the project site.
- 14. Applicant shall execute and record a landscape covenant in a form acceptable by the Town Attorney.
- 15. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
- 16. 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.
- 17. 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.
- 18. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.
- 19. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
- 20. 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.

- 21. The public access to the lot shall have an all weather surface, drainage facilities, and all utilities installed acceptable to Town Engineer. Fire protection shall be available to the building site by extension of the Town's water system, including hydrants, prior to any construction with wood. In the event the water system is installed, but not functional, the Fire Marshall may allow wood construction with temporary facilities, subject to approval.
- 22. Applicant shall install construction fencing and erosion control measures in a manner acceptable to the Town Engineer.
- 23. 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.
- 24. 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.

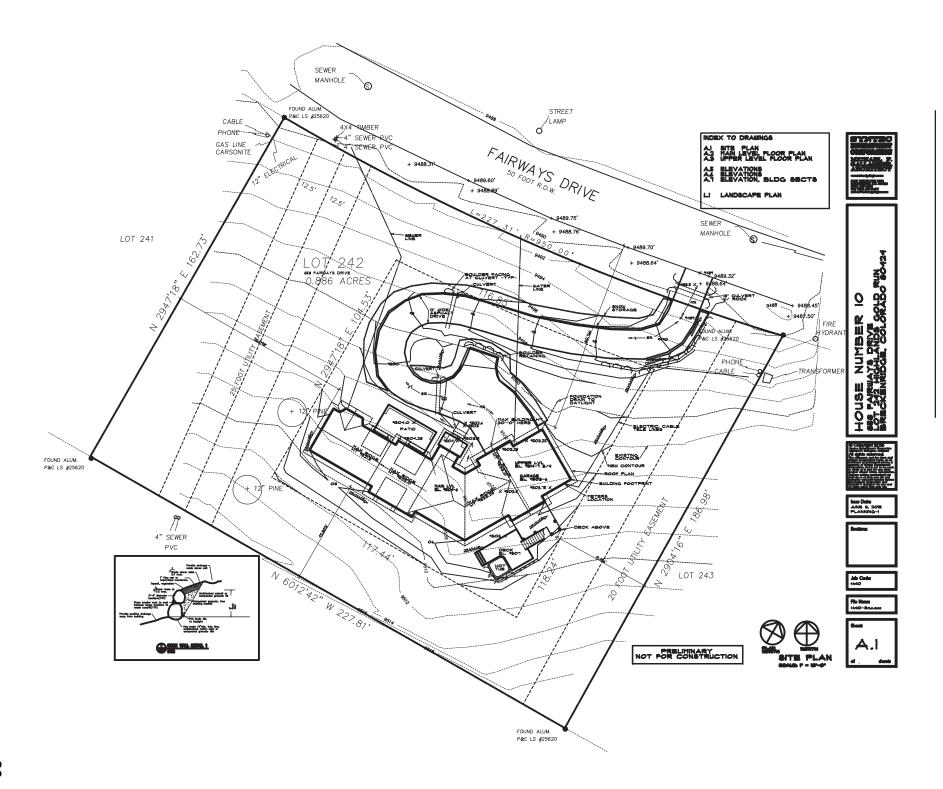
PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

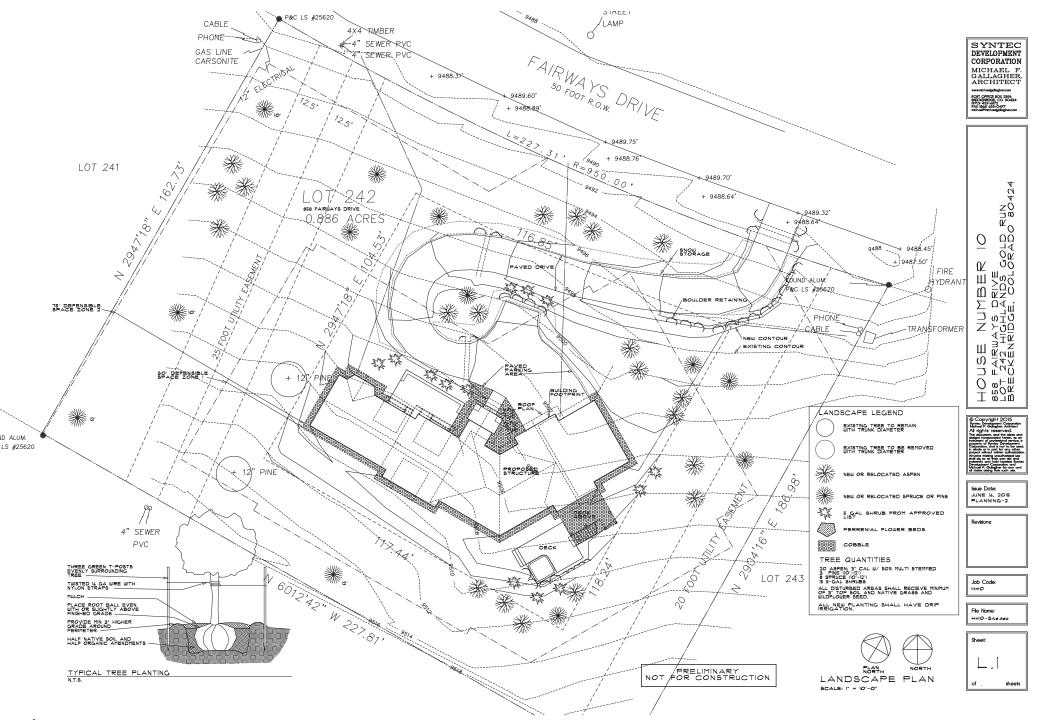
- 25. Applicant shall revegetate all disturbed areas with a minimum of 3 inches topsoil, seed and mulch.
- 26. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
- 27. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
- 28. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
- 29. 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.
- 30. Applicant shall screen all utilities.
- 31. 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 feet in height from finished grade or 7 feet above upper decks.
- 32. 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.
- 33. 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.

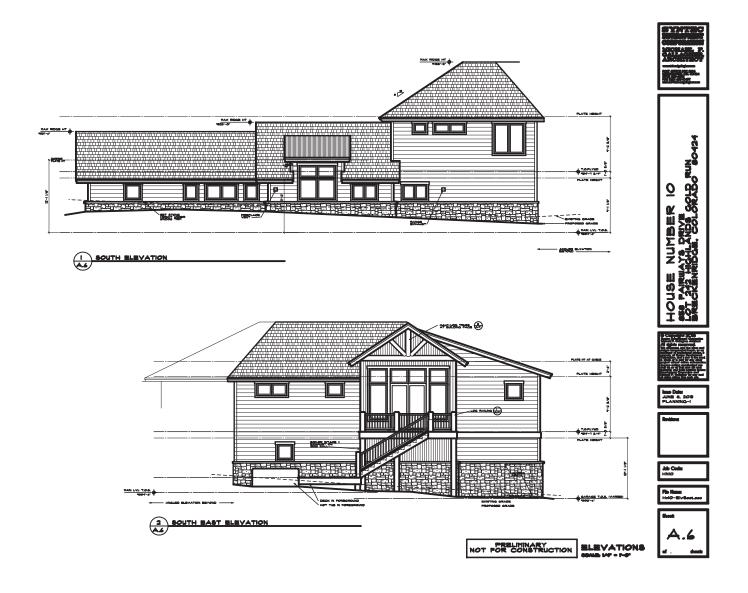
- 34. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, 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.
- 35. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
- 36. 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)	









Planning Commission Staff Report

Subject: Nauman Residence Historic Renovation Variance* and Landmarking;

(Class B-Minor, Preliminary Hearing, PL-2015-152) *The variance request was

not advertised for this hearing and will be advertised at the next hearing

Date: June 23, 2015 (For meeting of July 7, 2015)

Project Manager: Michael Mosher, Planner III

Applicants/Owners: Dennis and Karen Nauman

Agent: Shell Hodgson, P.E.

Proposal: To perform an extensive exterior restoration of the historic house and remodel of

the non-compliant addition. The reconstruction of the historic house will include a full basement beneath the historic portion of the footprint and a shelf, less than 5-feet tall, below the window well along the west edge of the site. Local

landmarking of the property is also requested.

Address: 211 East Washington Avenue

Legal Description: Lot 2A, Rittinger Subdivision, a lot line adjustment of Lots 1 and 2, Block 10

Abbetts Addition

Site Area: 0.050 acres (2,174 sq. ft.)

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

Historic District: #1, East Side Residential Character Area

Site Conditions: The property now contains a historic residence with a larger, historically non-

compliant addition towards the back of the site. The remaining property is unimproved and heavily weeded. Parking occurs on the Town Right of Way (ROW). The house encroaches into ROW at the north and west property lines.

There are platted utility easements for the neighboring Lot 1A.

Adjacent Uses: East, South and West - Single-family residential properties.

North - Hearthstone Restaurant and St. Mary's Church Rectory

Density: Existing Density: (Per the recorded plat, the existing density is the allowed

maximum)

Main Level: 1,057 sq. ft.
Upper Level: 355 sq. ft.
Total 1,412 sq. ft.

Proposed Density:

Lower Level: 547 square feet of density (exempt, pending Landmarking)

Main Level: 1,057 sq. ft.

Upper Level: 349 sq. ft.

Total: 1,406 sq. ft. (6 sq. ft. reduction)

Above Ground

Density: Recommended (9 UPA): 734 sq. ft.

Allowed (10 UPA, with negative points): 816 sq. ft. Existing: 1,412 sq. ft.

Proposed: 1,406 sq. ft. (6 sq. ft. reduction)

Building Height: Allowed: 23'-0" (30-feet with negative points)

Existing and proposed: 20'-7"

Mass: Per the recorded plat, the existing mass is the allowed maximum:

1,412 sq. ft.

Proposed mass: 1,406 sq. ft. (6 sq. ft. reduction)

Parking: Required: 2 spaces

Existing: 2 spaces (partially in ROW)
Proposed: 2 spaces (see discussion below)

Setbacks: The historic portion of the house is over the north and west property lines and will

be replaced in this historic location. The non-compliant addition was also built

partially over the west property line. No change is proposed to the setbacks.

Item History

The original historic portion of the house, historically called the Newcomb House, was constructed 1882 for B.M. Newcomb. He operated an assay and real estate office on Ridge Street and was the developer of the Deadwood Lode mining claim. The Cultural Survey for this property has designated the house as contributing. It is still located in its original position with the porch to the north over the property line and the west edges of the house over the west property line (into the alley right of way). Sometime during the Town's period of significance, a large shed addition was added to the south to house a kitchen and bathroom. A separate free standing shed in the backyard was likely removed in the 1980's.

A larger, more recent, non-compliant addition was constructed in the 1980's. This addition was partially constructed over the west property line along with a large bay window on the west edge of the historic house. These additions are now classified as legal non-conforming. As legal non-conforming, no changes or increase in the setback non-conformity are proposed.

These additions are illustrated on Sheet A2, Elevations, of the attached plans

In 2010, the applicants submitted and obtained approval for a remodel and landmarking of this property. This application involved both internal and external improvements to the house. This permit has since expired and the owner is re-applying for the same permit (with some minor revisions). The previous approval identified the following:

• The encroachment of the window well towards the west and the parking to the north are both onto Town owned property. An Encroachment License Agreement (supported by the Town) will be processed as a Condition of Approval with the Final review.

- With the impacts of the 1980's addition to the overall function of the floor plan, the literal interpretation of a connector link as described in Priority Policy 80A could not be met. The Commission felt that the proposed modifications to the exterior materials and the roof height aided in separating the historic fabric from the newer addition. A special Finding identified this at final review as:
 - O The Planning Commission hereby finds that Policy 80A of the Handbook of Design Standards for the Historic and Conservation Districts does not apply to this application because: (i) the historic building and later addition are existing, and (ii) the reduction in the height of the roof between the historic house and existing addition will help to distinguish the two portions of the building.
 - O However, recent precedent regarding how applications meet priority policies now requires application to seek a variance since Priority Policies are Absolute Policies. Policy 80A has also been modified in 2014 to reduce the width of a connector which this existing condition does not meet. With the next submittal, this will be added and advertised should the Commission voice support for a variance.
- Concerns were expressed about the separate exterior entrance to the basement space. There is no area to provide the required extra parking space for an accessory apartment on the property. As a result, a Condition of Approval was added prohibiting any 220-volt electric panels or plugs and no natural gas lines in the basement. (Staff notes that this property is not eligible for any off-site parking permits.)

The current submittal is seeking approval of the same design as the last. Most of the changes are internal leaving much of the existing floor plans unchanged. The basement on the previous approval was unfinished. On this submittal, a bedroom, bathroom and family room with wet-bar sink are shown.

Staff Comments

Density/Intensity (3/A & 3/R)/Mass (4/R): With this proposal, the overall density and above ground density is being reduced from the original size by 6 square feet. However, the 1980's roof over-framing (used as storage over the historic house roof) is being reduced/removed from the historic house and will give a greater appearance of a reduction in massing.

As part of this application, the applicants are seeking a local landmark designation which would allow a basement beneath the historic house without adding density calculations under this policy. At final review the applicants shall obtain approval of an ordinance from the Breckenridge Town Council for local landmark status for the property.

Site and Environmental Design (7/R): The only on-site impact associated with this policy is the creation of a new 3' 6" tall Siloam stone retaining wall to accommodate the required on-site parking. The proposed wooden retaining wall will be no taller than three (3) feet. Staff has no concerns.

Placement of Structures (9/A & 9/R): There is no proposed change in the location of the footprint of the house. As it exists today, the front porch encroaches into the Washington Avenue ROW and the historic bay window encroaches into the west alley ROW. Also, a small portion of the non-compliant addition encroaches into the west alley ROW. An encroachment license agreement will be processed prior to issuance of a building permit for the existing encroachments of the historic house, and has been made a Condition of Approval.

At the 2010 final review we heard support from four of the six Commissioners to allow (with an encroachment license agreement) the window well outside of the west property line. This window well will be below grade and encroach no further into the west alley than the existing encroachment of the existing bay window along this property line. Since this window well is behind the bay window and about seven (7) feet above and thirty (30) feet away from the Washington Avenue ROW, any visual impacts are negligible. Does the Commission support this addition with this application?

Snow Removal and Storage (13/R): On this difficult site, snow removal will need to be done by hand or snow thrower into the yard south of the parking spaces. There is ample space for this snow storage.

Parking (18/A & 18/R): At the 2010 final review, the majority of the Commissioners had no concerns with the planned encroachment of the required two parking spaces into the ROW. At the request of the Public Works Streets Department, the parking spaces have been held back from the snowplow windrow along the ROW. No public parking is impacted along this ROW. We have no concerns.

Landscaping (22/A & 22/R): The proposed landscaping is modest for this tiny lot. One - 6-foot tall Spruce, one - 1.5-2 inch caliper Spring/Snow Crabapple, four - 1.5 inch caliper Aspen and, since the last hearing, one - Balm of Giliad or Balsam Poplar is proposed. These, along with six - 5-gallon shrubs, should complement the site nicely. No negative or positive points are suggested. We have no concerns.

Fence (47/A) and Policies 60, 61 and 62 of the Handbook of Design Standards: Per Policy 47, fences are allowed in the Historic District and the Handbook of Design Standards for the Historic and Conservation Districts suggests 3-foot tall metal fences to define yards. The site plans show a 3-foot tall wrought iron fence. We will have additional detail on the specific design at the next hearing.

Social Community (24/R): Per the Development Code: Within the conservation district, which area contains the historic district, compatibility of a proposed project with the surrounding area and the district as a whole is of the highest priority. Within this district, the preservation and rehabilitation of any historic structure or any town designated landmark or federally designated landmark on the site (as defined in chapter 11 of this title) is the primary goal. Any action which is in conflict with this primary goal or the "Handbook Of Design Standards" is strongly discouraged, while the preservation of the town's historic fiber and compliance with the historic district design standards is strongly encouraged. Applications concerning development adjacent to Main Street are the most critical under this policy. (Ord. 24, Series 2001)

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

- 1. The connector and addition should be located at the rear of the building or in the event of a corner lot, shall be setback substantially from significant front facades.
- 2. The width of the connector shall not exceed two-thirds the width of the facade of the smaller of the two modules that are to be linked.
- 3. The wall planes of the connector should be set back from the corners of the modules to be linked by a minimum of two feet on any side.
- 4. The larger the masses to be connected are, the greater the separation created by the link should be: a standard connector link of at least half the length of the principal (original) mass is preferred, a minimum of six feet length is required. (In addition, as the mass of the addition increases, the distance between the original building and addition should also increase. In general, for every foot in height that the larger mass would exceed that of the original building, the connector length should be increased by two feet.)

- 5. The height of the connector should be clearly lower than that of the masses to be linked. The connector shall not exceed one story in height and be two feet lower than the ridgeline of the modules to be connected.
- 6. A connector shall be visible as a connector. It shall have a simple design with minimal features and a gable roof form. A simple roof form (such as a gable) is allowed over a single door.
- 7. When adding onto a historic building, a connector should be used when the addition would be greater than 50% of the floor area of the historic structure or when the ridge height of the roof of the addition would be higher than that of the historic building. (Ord. 8, Series 2014)

The existing 1980's addition does not follow any adopted policies from the Handbook of Design Standards regarding additions to historic structures. The addition is larger than the historic house (Priority Policies 37, 86 & 118); the roof is not only taller (Priority Policy 81 & 122), but actually passes over the historic ridgeline (Priority Policy 69); there is no "link" connecting the addition (Priority Policy 80A); the roof was replaced with standing seam metal roof material (Design Standard 70); and the original porch was removed and replaced (Priority Policy 63). There are several other associated policies that could be added to this list, most notably, Priority Policy 20 on reducing the building's historic rating as a result of the impacts of this addition.

Staff has obtained earlier photographs of the house (below) prior to the non-compliant addition, for reference. (Staff believes that the west facing bay window was added to the historic house, as the windows do not match those on the north elevation.) Based on this information, the applicants are proposing a historic restoration of the original structure as follows:

- 1. Remove a portion of the 1980's roof over historic main ridge of the historic house and cut the roof addition back approximately 12 feet and add a cricket (for drainage) behind and below the original historic ridge. This will provide the appearance of a "connector", as defined in the Historic Standards.
- 2. Remove the west non-historic bay window in the kitchen area (keeping the west facing bay window) on the historic structure, per plan.
- 3. Restore the original roof form to the greatest degree possible on the historic structure.
- 4. Restore all original window openings and replace front (north) door with historically compliant door.
- 5. Full restoration of the front porch with correct post detailing (existing posts to be replaced based on photographs).
- 6. After locally Landmarking, add full basement under historic footprint (zero lot line on west).
- 7. On the non-historic addition, correct all windows to historically compliant wooden vertically orientated double hung windows.
- 8. Correct roof form in non-compliant addition. Notes:
 - a. There will be no changes in the historic floor elevation.
 - b. There will be no increase in rear roofline height.
 - c. The building is to remain in its current location.
 - d. There will be a slight reduction in existing density.

The proposed improvements will bring the property into compliance with the Handbook Of Design Standards with the exception of meeting Priority Policy 80A.





Variance Request from Policy 80-A; Connectors: Per the Development Code:

D. Criteria For Approval: Before the commission can grant a variance application, the applicant must prove physical hardship and the commission must find all of the following:

- 1. There are special circumstances or conditions applying to the land, buildings, topography, vegetation or other matters on the subject lot which would substantially restrict the effectiveness of the development in question; provided, however, that such special circumstances or conditions are unique to the particular use of which the applicant desires a variance and do not apply generally to all uses.
- 2. That such special circumstances were not created by the applicant.
- 3. That the granting of the variance will be in general harmony with the purposes of this chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.
- 4. The variance applied for does not depart from the provisions of this chapter any more than is required. (Ord. 19, Series 1988)

Staff has reviewed the request against the above criteria as it relates to this application complying with Priority Policy 80 A.

- 1. The 1980's addition encapsulated the historic kitchen/shed and affected the floor plan of the historic house. The historic shed addition did not comply with Policy 80A and the 1908's addition extended the covered the shed addition. To remove all the 1908's addition over the historic portion of the house would substantially restrict the functionality of the house.
- 2. The current condition of the house was not created by the applicants.
- 3. The proposed restoration of the historic portion of the house is on the primary façade and clearly visible from Washington Avenue ROW. With the modification of the non-historic roof, the 1980's addition will be less apparent from the ROW *and will not be materially detrimental to the persons residing or working in the vicinity.*
- 4. The variance request from Policy 80A does not depart from the provisions of this chapter any more than is required.

Staff believes the criteria for a variance from Priority Policy 80A can be met. Does the Commission concur?

Under this policy there is a section regarding Historic Preservation. Per this section of the Code:

+3: On site historic preservation/restoration effort of average public benefit.

Examples: Restoration of historic window and door openings, preservation of historic roof materials, siding, windows, doors and architectural details, plus structural stabilization and installation of a new foundation.

+6: On site historic preservation/restoration effort of above average public benefit.

Examples: Restoration/preservation efforts for windows, doors, roofs, siding, foundation, architectural details, substantial permanent electrical, plumbing, and/or mechanical system upgrades, plus structural stabilization and installation of a full foundation which fall short of bringing the historic structure or

site back to its appearance at a particular moment in time within the town's period of significance by reproducing a pure style.

Staff believes the restoration efforts fall under the positive (+6) six criteria. Does the Commission agree?

Landmarking of Structure:

The applicant's proposal is to bring the historic house back to its original form, drop a portion of the non-historic roof behind the historic roof to create a link and separate the addition from the historic portion. With the historic house "isolated" the agent believes that the house could be locally landmarked under the following criteria:

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. These items have been **bolded** for the Commissioners' review.

COLUMN "A" COLUMN "P"	COLUMN "C"
The property must be at least 50 years old. The property exemplifies specific elements of architect or but recognized for expertise nationally, statewide, regionally, of 3. The property exemplifies superior craftsmanship or high a 4. The property represents an innovation in construction, mate design. The property is of a style particularly associated with the Breckenridge area. The property includes a pattern or grouping of elements representing at least one of the above criteria. The property is a significant historic remodel. SOCIAL IMPORTANCE The property is a site of an historic event that had an effect 10. The property exemplifies cultural, political, economic or so of the community. The property is associated with a notable person or the wo notable person. GEOGRAPHIC/ENVIRONMENTAL IMPORTANCE The property is an established and familiar natural setting of feature of the community.	utilder who is or locally. artistic value erials or ne opeople in an op

At a previous meeting we heard Commissioner support for the following:

Column A: The property is at least 50 years old (1882 per cultural survey).

Column B: 1. The proposed landmark exemplifies specific elements of architectural style or period.

- 5. The proposed landmark is of a style particularly associated with the Breckenridge area.
- 7. The property includes a pattern or grouping of elements representing at least one of the above criteria.

Column C: all four criteria.

At final review, staff suggests that the Planning Commission recommend that the Town Council adopt an ordinance to Landmark the historic structure 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. Does the Commission concur?

Point Analysis (Section: 9-11-7-3): At this preliminary review we are finding the application passes all Absolute Policies (accepting the legal con-conforming items) with the exception of Policy 24/A, for which the applicant is seeking a variance as described above, The Social Community as the application does not meet Priority Policy 80A as described above. We are suggesting positive six (+6) points for the restoration and renovation efforts under Polity 24/R Social Community.

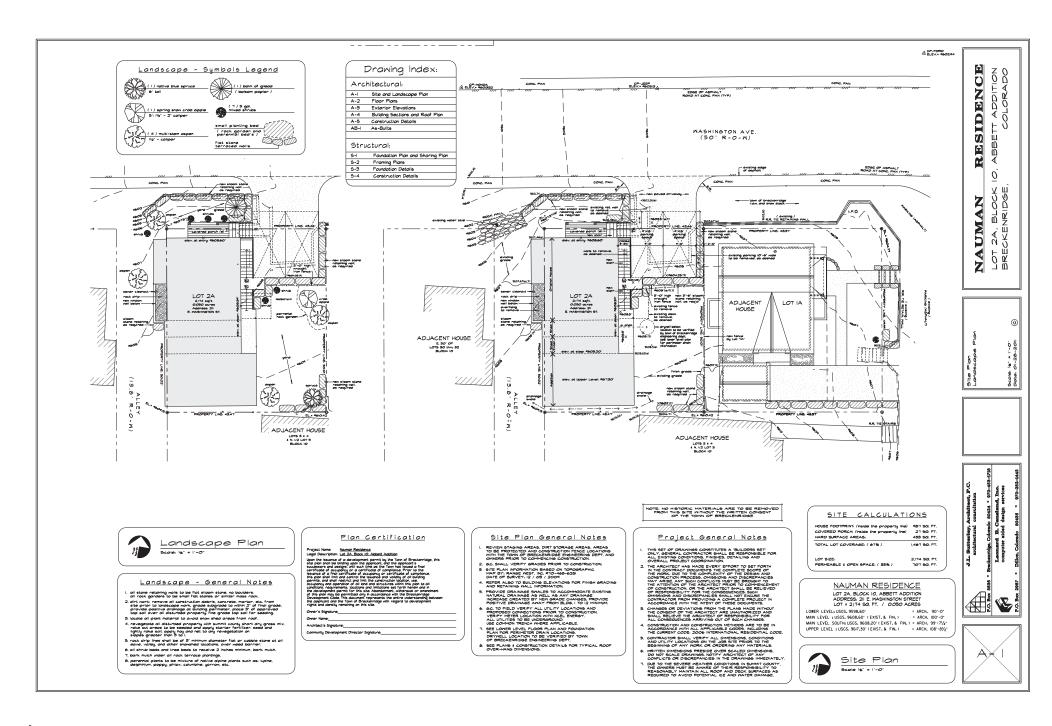
Staff Recommendation

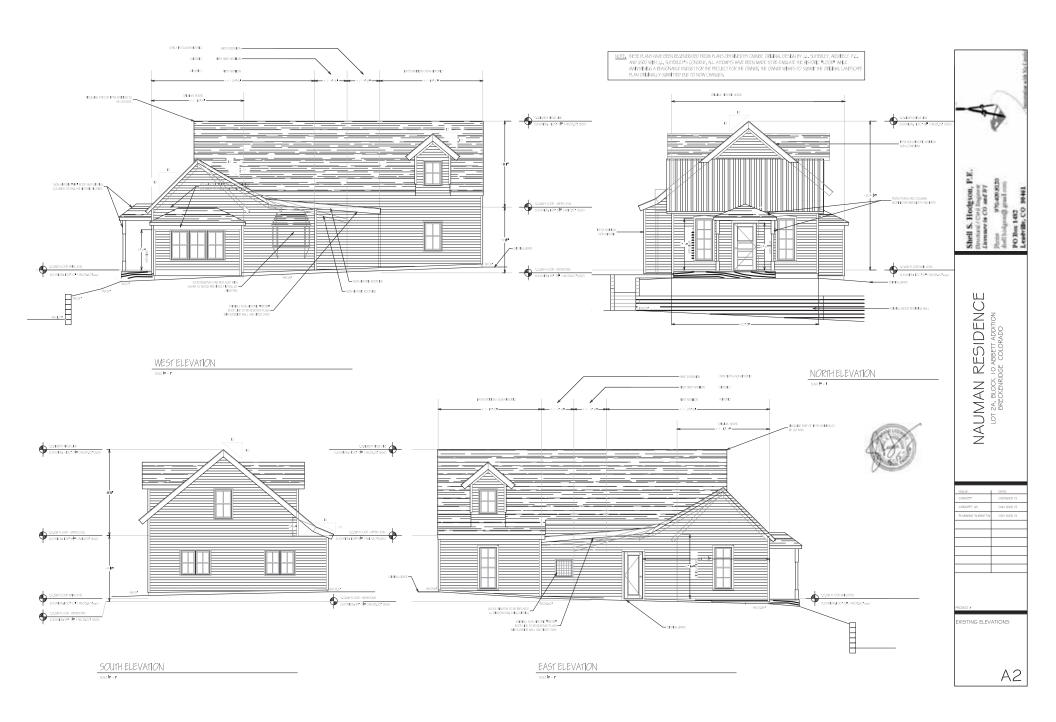
The applicants have presented plans that are very similar to the previously approved plans in 2010. The key restoration items are being matched from the last submittal. The main changes are internal to the structure.

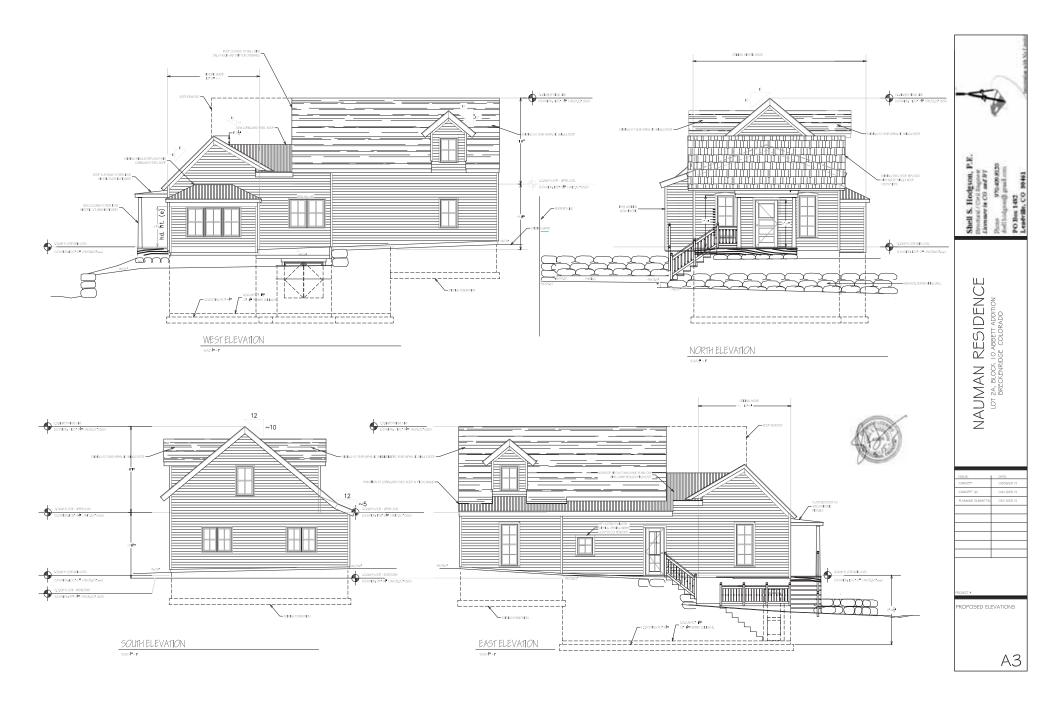
We have the following questions for the Planning Commission:

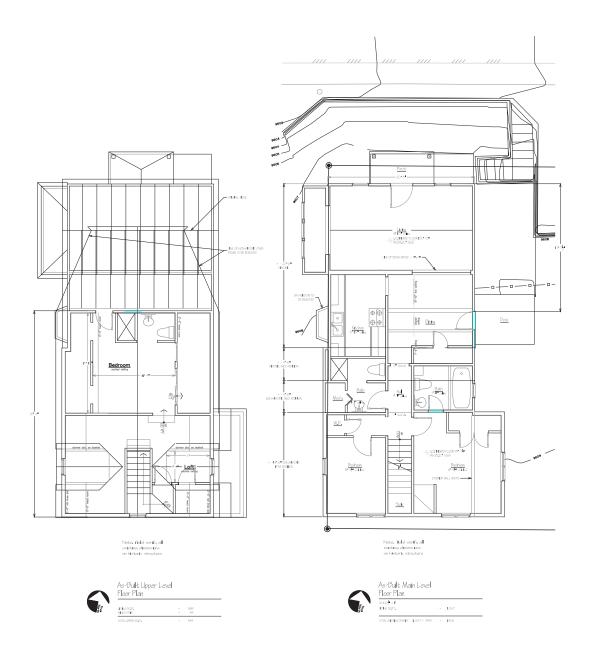
- 1. Does the Commission support allowing a new window well outside the west property line behind the existing bay window?
- 2. Does the Commission believe the proposal qualifies for a variance from Priority Policy 80A; Use connectors to link smaller modules and for new additions to historic structures?
- 3. Does the Commission support awarding positive six (+6) points for the historic restoration?

We welcome any additional comments. With your input and suggestions, Staff believes this application could return for final review.









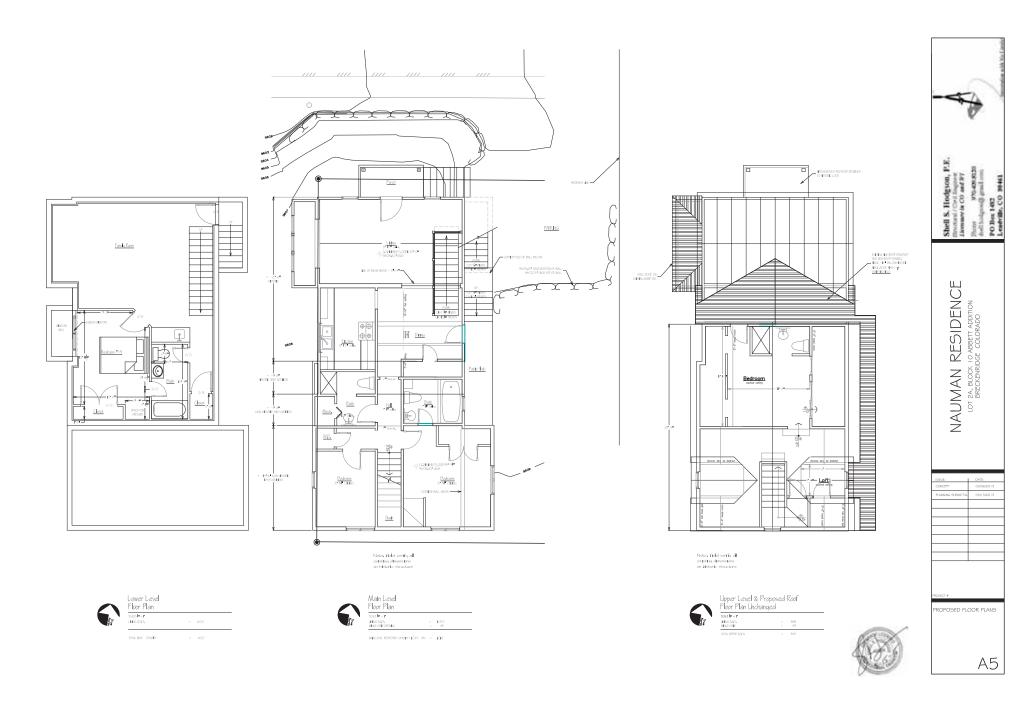


NAUMAN RESIDENCE

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XISTING FLOOR PLANS

A4





Planning Commission Staff Report

Subject: Barron Fence Variance

(Class C Minor, Hearing; PL-2015-0053)

Proposal: Per Policy 47/A, Fences, Gates and Gateway Entrance Monuments, the fence is

requested in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail, the applicant is proposing to construct a fence with drystack stone and wood fencing to reflect the architectural character of the residence and neighborhood, which will function as an aesthetically pleasing means of discouraging trespassing by users of the public trail easement. The proposed fence does not extend the entire length of the trail, but is proposed in an area where access to private property has repeatedly been made. The intention is provide a clear definition of the boundary between the public trail easement, and private

property.

Applicant/Owners: Jennifer Barron

Project Manager: Matt Thompson, AICP

Date: July 1, 2015 (For meeting of July 7, 2015)

Address: 68 Victory Lane

Legal Description: Lot 1, Warrior's Preserve

Land Use District: 30.6 - Residential

Site Conditions: The lot slopes downhill steeply at 22% within the building envelope from Victory

Lane down towards Broken Lance Drive. The lot is heavily wooded with large spruce trees, fir trees, aspen trees, and lodgepole pine trees. Victory Lane is within a 50'

private access and utility easement.

Adjacent Uses: Residential

Item History

The Barron Residence was approved 2010 and constructed in 2011. The house has a patio and sitting area, within 45-feet of Warrior's Mark public trail. There have been numerous occasions where users of the trail have departed from the designated trail easement and have left dog droppings, trash, and indications of use on patio furniture on private property. The owner has video evidence of people leaving the trail easement and trespassing on her property. There may also be confusion by some trail users, as the public trail ends just beyond the Barron property at the intersection of Victory Lane and Broken Lance Drive.

Per Policy 47/A, fences are allowed abutting public spaces with the following conditions:

- C. Outside the Conservation District: Fences and landscape walls are prohibited outside the Conservation District, except the following fences are permitted when constructed in accordance with the design standards described in section D of this policy:
- 12. Private fences to delineate the boundary between private land and a public trail or public open space, but only if authorized by a variance granted pursuant to section K of this policy.
- K. The planning commission or town council may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space by granting a variance from the limitations of this policy. A variance shall be granted under this subsection J only upon the written request of the applicant, and a finding that the applicant has satisfactorily demonstrated that: 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space; 2) the applicant's inability to erect the fence would present a hardship; and 3) the purposes of this policy will be adequately served by the granting of the variance. No variance shall have the effect of nullifying the intent and purpose of this policy. Section 9-1-11 of this chapter is not applicable to the granting of a variance to erect a private fence to delineate the boundary between private land and a public trail under this section. (Highlight added.)

Regarding the design standards of this ordinance:

D. Design Standards for fences: All fencing outside the Conservation District shall comply with the following design standards:

Fences in residential areas shall be constructed of natural materials, and may be either a split rail, buck-and-rail, or log fence design because such designs have a natural appearance, blend well into the natural terrain, and have an open character. Fences of other materials or designs are prohibited. (Exception: Where an applicant can demonstrate to the satisfaction of the Town that an alternative material would be architecturally compatible with the surrounding neighborhood, the Director may authorize such materials. (Highlight added.)

Staff Comments

Staff believes that, per Policy 47/A, a fence is warranted in this area to delineate private/public boundaries. There is an existing trail and easement on the property that leads to the Maggie Pond and base of the Quicksilver Lift area. The placement of the fence is desired to eliminate confusion and to reduce the likelihood of uninvited people using the private property as a picnic area.

An attractive drystack stone and wood fence design is proposed, and the exception section under letter D of this ordinance allows the Director to authorize such materials. Please see the proposed plans in your packet.

Staff supports granting the variance based on the following criteria:

1) The fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space;

There have been numerous instances where the public believes the yard and tree area of Lot 1, Warrior's Preserve are public property. A fence will eliminate any public confusion.

2) the applicant's inability to erect the fence would present a hardship; and

The applicant's loss of privacy, the liability and risk of personal injury on private property represent hardship in this situation.

3) the purposes of this policy will be adequately served by the granting of the variance.

The fence is designed to match architectural character and detail of the residence and neighborhood. The fence will act as a visual barrier to discourage trespassers.

Staff Recommendation

The Planning Department recommends approval of the Barron Fence Variance, PL-2015-0053, with the attached Findings and Conditions.

TOWN OF BRECKENRIDGE

Barron Fence Variance Lot 1, Warrior's Preserve 68 Victory Lane PL-2015-0053

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

FINDINGS

- 1. The project is in accord with the Development Code and does not propose a prohibited use.
- 2. The project will not have significant adverse environmental impact or demonstrative negative aesthetic effect.
- 3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives, which would have less adverse environmental impact.
- 4. This approval is based on the staff report dated **July 1, 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 **July 7**, **2015**, as to the nature of the project. In addition to Commission minutes, the meetings of the Commission are tape-recorded.
- 6. The variance is requested per Absolute Policy 47, Fences, Gates And Gateway Entrance Monuments, to allow a fence and is granted based on the following required criteria being met:
- 7. Per section K. of Absolute Policy 47, The planning commission or town council may authorize the erection of a private fence to delineate the boundary between private land and a public trail or public open space by granting a variance from the limitations of this policy. A variance shall be granted under this subsection J only upon the written request of the applicant, and a finding that the applicant has satisfactorily demonstrated that:

 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space; 2) the applicant's inability to erect the fence would present a hardship; and 3) the purposes of this policy will be adequately served by the granting of the variance. No variance shall have the effect of nullifying the intent and purpose of this policy. Section 9-1-11 of this chapter is not applicable to the granting of a variance to erect a private fence to delineate the boundary between private land and a public trail under this section.
- 8. The placement of the fence is desired to eliminate confusion and to reduce the risk of liability of uninvited people getting injured on private property. The fence design is supported by the Director and the Development Code.
- 9. The granting the variance based on the following criteria (support comments are in *italics*):
 - 1) the fence is needed in order to reduce public confusion as to the location of the boundary between the applicant's land and the public trail or public open space;

There have been numerous instances where the public believes the yard Lot 1 is part of public property. A fence will eliminate any public confusion.

2) the applicant's inability to erect the fence would present a hardship; and

The applicant's loss of privacy, the liability and risk of personal injury on private property represent hardship in this situation.

3) the purposes of this policy will be adequately served by the granting of the variance.

The fence is designed to match the architectural character of the residence and neighborhood, and meet the criteria of Policy 47/A. The fence will act as a visual barrier to discourage trespassers.

10. Granting of the variance will be in general harmony with the purposes of the Development Code, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general. Granting the variance will be in harmony with the Town's Development Code.

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 **July 14, 2017**, unless 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. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.
- 6. 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 START OF CONSTRUCTION

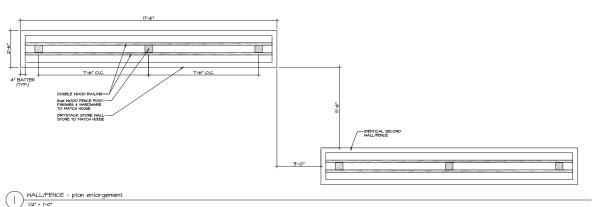
- 7. An improvement location certificate indicating the proposed location of the fence in relation to the trail easement shall be submitted.
- 8. Applicant shall identify all existing trees, which are specified on the site plan to be retained, by erecting temporary fence barriers around the trees to prevent unnecessary root compaction during construction. Construction disturbance shall not occur beyond the fence barriers, and dirt and construction materials or debris shall not be placed on the fencing. The temporary fence barriers are to remain in place until issuance of the Certificate of Occupancy.

- 9. Existing trees designated on the site plan for preservation which die due to site disturbance and/or construction activities will be required to be replaced at staff discretion with equivalent new trees, i.e. loss of a 12 inch diameter tree flagged for retention will be offset with the addition of four 3-inch diameter new trees.
- 10. 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.

PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

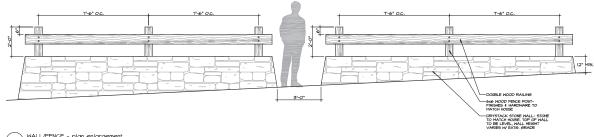
- 11. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
- 12. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, 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.
- 13. 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.
- 14. 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.
- 15. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.





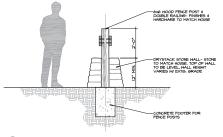


EXAMPLE OF EXISTING STONE VENEER Not to Scale



EXAMPLE OF DOUBLE BEAM / DOUBLE RAILING Not to Scale

WALL/FENCE - plan enlargement 1/2" = 1'-0*





Barron Residence Lot I, Warriors Preserve Subdivision 68 Victory Lane, Breckenridge, Colorado

Geres+

DETAILS

ole: |/2" = |'-0"