



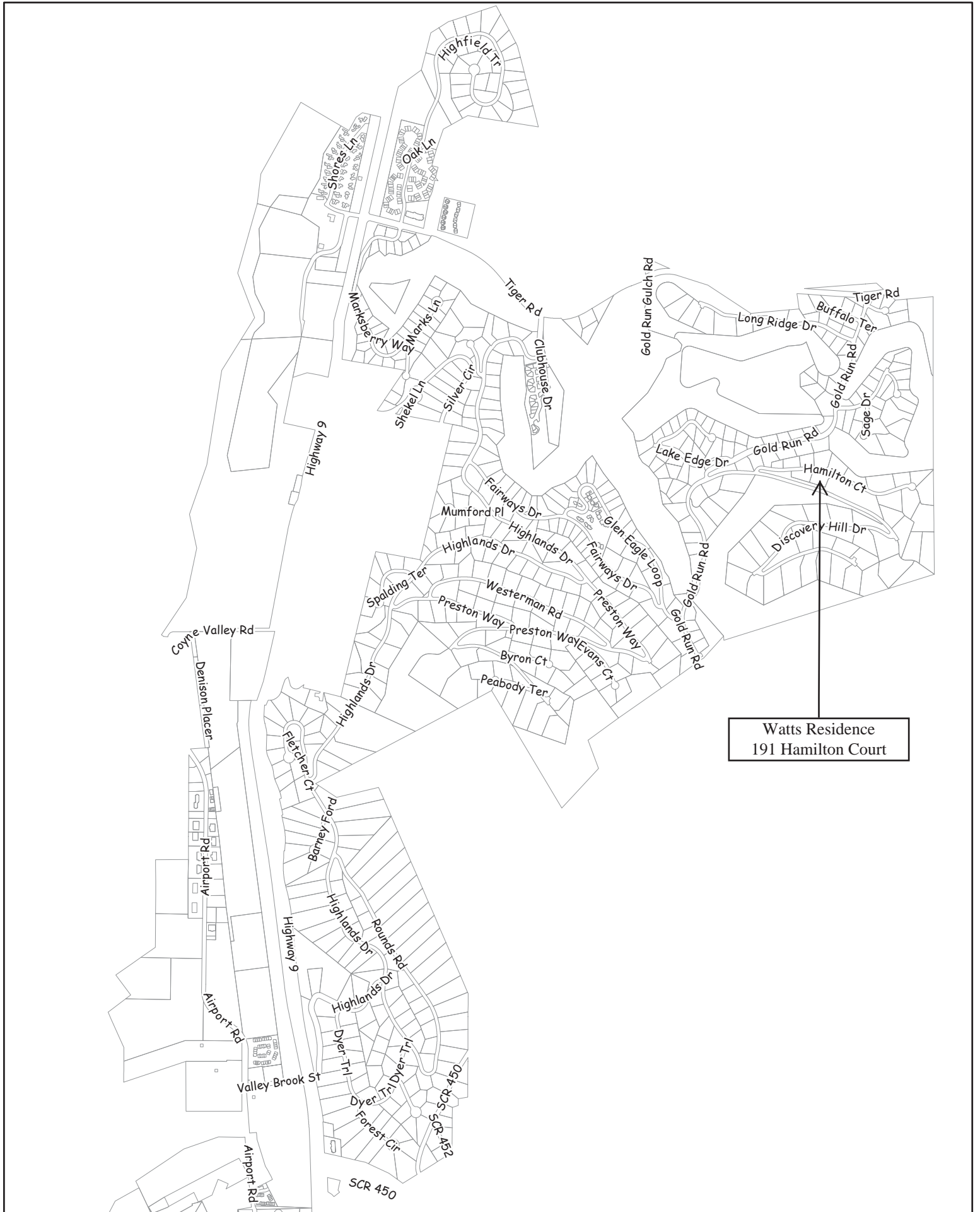
**PLANNING COMMISSION AGENDA**

Tuesday, July 21, 2015  
Breckenridge Council Chambers  
150 Ski Hill Road

<b>7:00pm</b>	<b><i>Call To Order Of The July 21 Planning Commission Meeting; 7:00 P.M. Roll Call</i></b>	
	<i>Location Map</i>	<b>2</b>
	<i>Approval Of Minutes</i>	<b>4</b>
	<i>Approval Of Agenda</i>	
<b>7:05pm</b>	<b><i>Consent Calendar</i></b>	
	1. Watts Residence (MGT) PL-2015-0218; 191 Hamilton Court	<b>9</b>
	2. McDivitt Garage Addition (MGT) PL-2015-0247; 138 Windwood Circle	<b>22</b>
<b>7:15pm</b>	<b><i>Worksessions</i></b>	<b>38</b>
	1. Temporary Structures Policy (Tents) (JP)	
<b>8:15pm</b>	<b><i>Town Council Report</i></b>	
<b>8:30pm</b>	<b><i>Final Hearings</i></b>	<b>46</b>
	1. Lincoln Park at the Wellington Neighborhood Phase I Subdivision (MM) PC#2014039; 710 Stables Road	
<b>9:30pm</b>	<b><i>Town Project Hearings</i></b>	<b>57</b>
	1. Barney Ford Dumpster Enclosure Addition (MM) PL-2015-0226; 216.5 South Main Street	
	<b><i>Other</i></b>	
	1. Class C Subdivisions Approved for Q2, 2015 (JP) (Memo Only)	<b>67</b>
	2. Class D Majors Approved for Q2, 2015 (JP) (Memo Only)	<b>70</b>
<b>10:00pm</b>	<b><i>Adjournment</i></b>	

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

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



Watts Residence  
191 Hamilton Court



Town of Breckenridge and Summit County governments assume no responsibility for the accuracy of the data, and use of the product for any purpose is at user's sole risk.

### Breckenridge North

# Breckenridge South

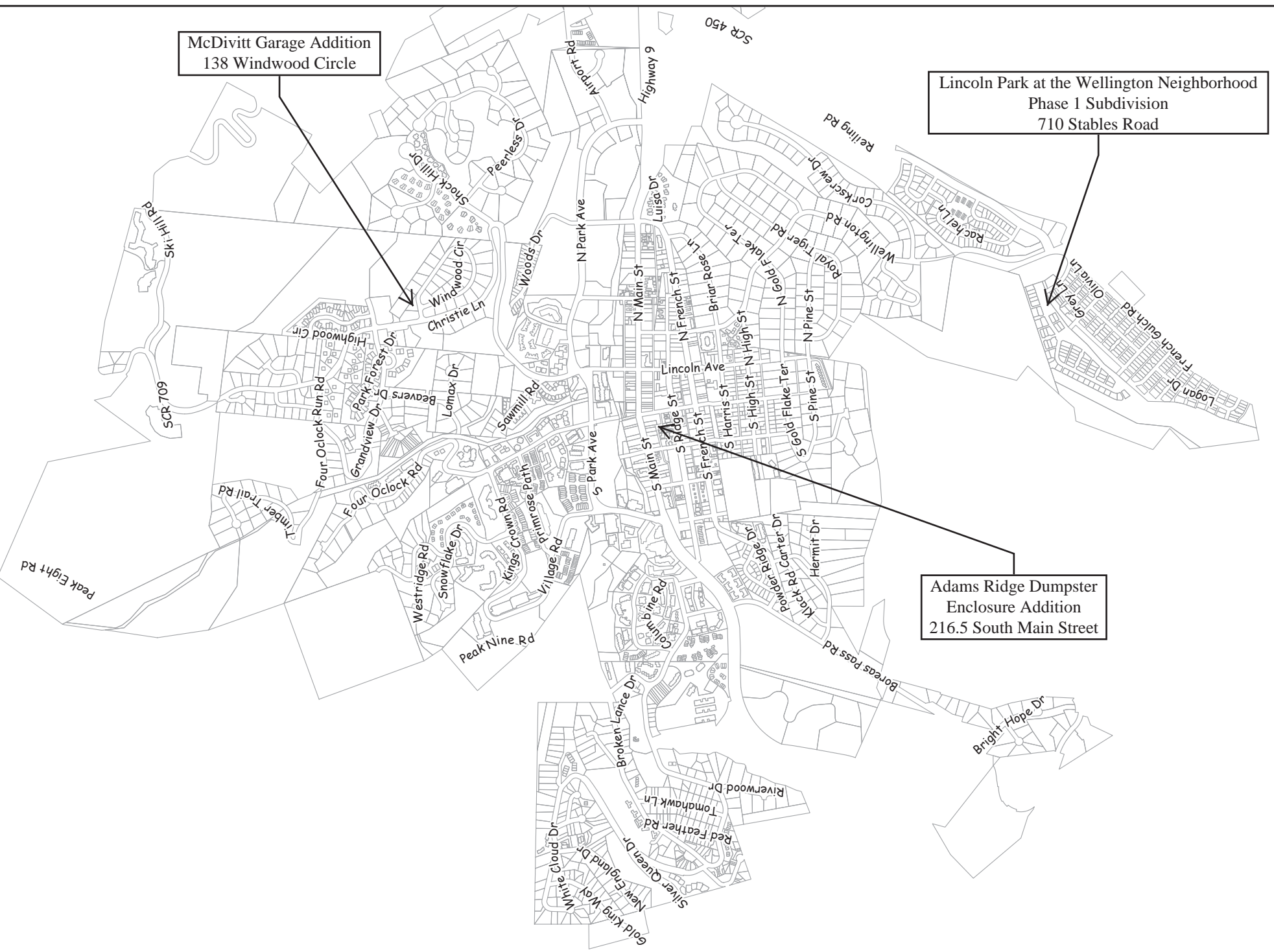
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McDivitt Garage Addition  
138 Windwood Circle

Lincoln Park at the Wellington Neighborhood  
Phase 1 Subdivision  
710 Stables Road

Adams Ridge Dumpster  
Enclosure Addition  
216.5 South Main Street



## 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 was absent  
Wendy Wolfe, Town Council Liaison

### APPROVAL OF MINUTES

With no changes, the June 16, 2015, Planning Commission Minutes were approved as presented.

### APPROVAL OF AGENDA

With no changes, the July 7, 2015, Planning Commission Agenda was approved as presented.

### CONSENT CALENDAR:

- 1) Jerky Small Vendor Cart (SG) PL-2015-0213, 100 South Main Street
- 2) House Number 10 (MGT) PL-2015-0207, 858 Fairways Drive

#### *Commissioner Questions / Comments:*

Mr. Schroder: We talked about the challenging lots that remain and this one has a long driveway that got negative points. Should we talk about this? (Mr. Mosher: We've had a lot of long driveways before. Staff has identified the retaining wall need and driveway lengths under separate portions of the same policy.) I guess every time we see a house on a tough lot there will be long driveways. (Mr. Mosher: Staff is aware of this; often the applicant can easily put a garage down lower and the house above. Often, the owners do not want stairs.) (Mr. Thompson: Mr. Schroder is right that these retaining walls and long driveways are in the same policy.)

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

### TOWN COUNCIL REPORT:

Ms. Wolfe:

- We are working on a development agreement with Breckenridge Grand Vacations up on Peak 8. The highlights include transfers up to 18 SFEs and 1 commercial SFE and this is contingent on fit test. They are asking to decrease parking to 1.7 per 2 bedroom unit; they will make a \$30,000 donation to Cucumber Gulch. A sprung structure will need to be relocated to accommodate construction. Upon C.O. would all the Sprung Structures be gone and the answer is "yes"; but they are speaking for the ski area. Vail Resorts needs to have responsibility to talk to Council about the structures too. Second reading will come on Tuesday and then it will come to you as the Planning Commission. I know that these are not the favorite discussions but the Council wants to proceed. (Mr. Mosher: Staff is aware of your concerns with transportation and that will be included when it comes to the Planning Commission.) (Mr. Mamula: Originally with the master plan, there were discussions about water quality and the gulch. Who is on the hook now for commitments that were made by Vail Resorts now that the land is owned by others?) (Mr. Mosher: So far it is the HOAs. The Engineering department and Open Space and Trails are very sensitive and keenly aware of all of this.)
- We passed on second reading the sign ordinance with the previously discussed minor revisions. There will be some better opportunities for directory signs for businesses tucked behind Main Street.
- Wetlands Density Transfer passed where no more than 25% can be wetlands in a transfer density.
- Parking Forum last night that had 40 citizens and one today with 80 people. Good discussions; getting

feedback from community. The community is concerned about aesthetics and we have better renderings now to show the community and these are good opportunities to share ideas. We look for funding discussion in the next few weeks and to see if we can continue. (Mr. Schuman: What is the expectation for decision date?) The decision should be coming by the end of July. We are waiting to hear from the ski area and then if not we would need to go to the ballot and there needs to be 2 readings before that so we might run out of time.

**PRELIMINARY HEARINGS:**

1) Nauman Residence Remodel and Landmarking (MM) PL-2015-0152, 211 East Washington Avenue  
Mr. Mosher presented a 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.

At this preliminary review, Staff found the application passed all Absolute Policies (accepting the legal conforming items) with the exception of Policy 24/A, for which the Applicant is seeking a variance for The Social Community as the application does not meet Priority Policy 80A. Staff suggested positive six (+6) points for the restoration and renovation efforts under Polity 24/R Social Community.

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

Staff had the following questions for the Planning Commission:

1. Did the Commission support allowing a new window well outside the west property line behind the existing bay window?
2. Did 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. Did the Commission support awarding positive six (+6) points for the historic restoration?

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

*Commissioner Questions / Comments:*

Ms. Dudney: You are not allowing them the ability to put in a kitchen in the basement? (Mr. Mosher: The basement will not have any 220 volt power or a natural gas line. However, a microwave, hot plate, toaster oven could be used within the Code. Also, Staff cannot issue any permit of an additional vehicle for this property.)

Mr. Lamb: Staff is ok with letting them rent the basement out? (Mr. Mosher: Yes, the Code allows this. We will be working with building department during construction to make sure that no 220 volt electrical or gas is installed in the basement and that the Town will not grant any additional parking permits.)

Mr. Schroder: What's the year of the crazy roofing addition? (Mr. Mosher: Sometime in the 1980's. The old part with the shed, encapsulated in the addition was likely when they got indoor plumbing in the early 1900's.)

Ms. Dudney: They are encroaching into a Town alley? (Mr. Mosher: Yes, but there is no vehicular access as it is only 15-feet wide.) Did you receive any comments from the west neighbor about the window well? (Mr. Mosher: No, even though this meeting was properly advertised.)

Mr. Mamula: Could you explain the bay window? (Mr. Mosher: It's non-conforming and Staff could not find any date for its addition. But based on the form and windows, we can tell it is newer.)

But why aren't we requiring them to remove this? The addition may have happened sometime, it is most likely not part of the historic time of significance.)

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

*Commissioner Questions / Comments (Continued):*

(Mr. Mosher displayed the previous approved rendering with the roof versus the proposal now.)

Mr. Lamb: I still believe the downstairs is going to act like two units on the property. The restriction of no gas and 220 volt electrical may be ok, but you could easily add a real kitchen down below without a permit. I'm worried about when the Naumans sell, someone could easily make this a second unit. (Mr. Mosher: We've talked about this and there is nothing in the current Code to prevent it unless staff is made aware during the construction.)

Mr. Mamula: The issue is with parking. If they have no ability to get more parking permits, I would much rather see it come through with gas and electric installed now. (Mr. Mosher: But the Code requires that they have one additional on-site parking space to do that. There is no space on this site. The big trigger will be if they rent it out and the tenant comes to ask for a parking permit.)

Mr. Schroder: What else could they do to give us the connector link to come into full compliance? (Mr. Mosher: With the current way the non-historic addition was created, it would be a substantial hardship to do meet the Policy.)

Mr. Mamula: Except that you are giving them free density that came into compliance. This is not as good as the last rendition that got approved. As a Commission, we don't care about the money involved. (Mr. Mosher: The last application also kept the west facing bay window, but more work was planned to the outside of the non-historic addition to make it compatible with the Historic Standards and Policy 80A, the connector link.) This wouldn't meet the old 80A.

Ms. Dudney: The Town really wants to encourage this historic preservation. So, yes, I like the old plan better but, given that this is the plan now, I'm ok with the 80A variance request because we want to see this restoration happen. I'm ok with the window well too. You can't see it from the right of way. I go with the staff on the historic positive points.

Mr. Lamb: This is not an easy project to do because of its location. I'm a 'yes' on the window well. I say 'yes' on number 2 and I'm ok with three or six positive points on the historic preservation points.

Mr. Mamula: The window well is needed; however, I don't like awarding positive six points for historic preservation as I think the bay window needs to come off to get six points. I don't think the Town is gaining a lot in restoration value in this proposal with the bay window remaining. The previous application is a much stronger historic preservation effort with change in siding much more compliant 80A roof form. I'm fine with window well but I don't think they should be awarded positive six points, but three points instead. I don't think they are doing enough to meet the variance criteria.

Ms. Christopher: I think the six positive points is enough for the current application. Yes on the window well. The variance, it could be done but I don't really feel the design is good.

Mr. Schroder: They are really doing window, roof and porch. I don't have a problem with the window well, I would support a variance for 80A and I would support positive three points for historic preservation.

Mr. Schuman: I think they should take out the bay window; I do not support the window well over the property line. We are giving them more density. The issue with the parking and the snow storage isn't fitting on the site. The window well is not really egress in the middle of December. I do think we can support 80A and I only support positive three points for the historic restoration. (Mr. Mosher: In regard to 80A, it is an absolute policy which, depending on the Commission's direction, will make or break the project.)

Mr. Mamula: I think I'm the only one who is against 80A so this would pass with support from the other members. (Mr. Mosher: Maybe I can get more leverage for design improvements with the applicant after this discussion tonight. There seems after this discussion that there is a positive point analysis with three positive points.)

**COMBINED HEARINGS:**

1) Barron Fence Variance (MGT) PL-2015-0053, 68 Victory Lane

Mr. Thompson presented a proposal to construct a fence 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 that 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.

Staff supports the variance. 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. The applicant's loss of privacy as well as the liability and risk of personal injury on private property represent hardship in this situation. The fence is designed to match architectural character and detail of the residence and the neighborhood. The fence will act as a visual barrier to discourage trespassers.

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

*Commissioner Questions / Comments:*

Mr. Schroder: Why two pieces? (Ms. Jennifer Barron and Mr. Curt Sandman, property owners: Because it is the length of two football fields. I'm less concerned with people walking through and more concerned that people will wander in and we are just trying to deter people and designate that this is private property. We also want access to the trail too. People get confused that this is the Burro trail and it isn't.)

Mr. Schuman: I fully support.

Mr. Schroder: I fully support.

Ms. Christopher: I support.

Mr. Lamb: I support it.

Ms. Dudney: I support it.

Mr. Mamula: I support it too and I appreciate that you aren't making a long fence but just delineating the private property.

Mr. Schroder: We've done this before too around Carter Park.

Ms. Christopher made a motion to approve the Barron Fence Variance, PL-2015-0053, with the presented findings and conditions. Mr. Schuman seconded, and the motion was carried unanimously (6-0).

**OTHER:**

Planning Department Staffing Changes: Mr. Greenburg is leaving the Community Development Department and moving back to Philadelphia. However, Mr. Kulick is coming back over to Community Development Planning from the Open Space Department.

**ADJOURNMENT:**

The meeting was adjourned at 8:03 pm.

Eric Mamula, Chair





### Class C Single Family Development Review Check List

<b>Project Title:</b>	Watts Residence	
<b>Proposal:</b>	Build a 4,116 sq. ft. single family residence	
<b>Project Name/PC#:</b>	Watts Residence	PL-2015-0218
<b>Project Manager:</b>	Matt Thompson, AICP	
<b>Date of Report:</b>	July 15, 2015	
<b>Property Owner:</b>	Barry and Julia Watts	
<b>Agent:</b>	Jon Gunson, Custom Mountain Architects	
<b>Proposed Use:</b>	Single family residence	
<b>Address:</b>	191 Hamilton Court	
<b>Legal Description:</b>	Lot 104, The Highlands at Breckenridge, Discovery Hill, Filing 2	
<b>Area of Site in Square Feet:</b>	49,052 sq. ft.	1.13 acres
<b>Existing Site Conditions:</b>	The property slopes uphill steeply at 28% from Hamilton Court towards the rear of the lot. The lot is moderately covered with lodgepole pine trees. There is a 30' drainage and utility easement along the western property line. There is a 10' snowstack easement along Hamilton Court.	
<b>Areas of building:</b>	Proposed Square Footage	Existing Square Footage - If Applicable
Lower Level:	1,650 sq. ft.	
Main Level:	1,821 sq. ft.	
Upper Level:		
Accessory Apartment:		
Garage:	645 sq. ft.	
Total:	4,116 sq. ft.	
<b>Code Policies (Policy #)</b>		
<b>Land Use District (2A/2R):</b>	1: Subject to the Delaware Flats Master Plan	
<b>Density (3A/3R):</b>	Allowed: unlimited	Proposed: 3,471 sq. ft.
<b>Mass (4R):</b>	Allowed: unlimited	Proposed: 4,116 sq. ft.
<b>F.A.R.</b>	1:11.92 FAR	
<b>No. of Main Residence Bedrooms:</b>	4 bedrooms	
<b>No. of Main Residence Bathrooms:</b>	5.5 bathrooms	
<b>Height (6A/6R):*</b>	29 feet overall	
*Max height of 35' for single family outside Conservation District <u>unless</u> otherwise stated on the recorded plat		
<b>Lot Coverage/Open Space (21R):</b>		
Drip line of Building / Non-Permeable Sq. Ft.:	3,420 sq. ft.	6.97%
Hard Surface/Non-Permeable Sq. Ft.:	5,578 sq. ft.	11.37%
Open Space / Permeable:	40,054 sq. ft.	81.66%
<b>Snowstack (13A/13R):</b>		
Required Square Footage:	1,395 sq. ft.	25% of paved surfaces is required
Proposed Square Footage:	1,586 sq. ft.	(28.43% of paved surfaces)

<b>Outdoor Heated Space (33A/33R):</b>		
	YES	196 sq. ft.
<b>Parking (18A/18/R):</b>		
Required:	2 spaces	
Proposed:	2 spaces	
<b>Fireplaces (30A/30R):</b>		
<b>Number of Gas Fired:</b>	3 Gas Fired	
<b>Building/Disturbance Envelope?</b>	Disturbance Envelope	
<b>Architectural Compatibility (5/A &amp; 5/R):</b>	The residence will be architecturally compatible with the land use district and the neighborhood.	
<b>Exterior Materials:</b>	2x10 plank siding (medium brown) with tan chinking, wood shingle siding, natural moss rock veneer, aluminum clad wood windows (dark brown)	
<b>Roof:</b>	Synthetic shakes (brown)	
<b>Garage Doors:</b>	Wood over insulated steel door (dark brown to match trim with medium brown infill)	
<b>Landscaping (22A/22R):</b>		
<b>Planting Type</b>	<b>Quantity</b>	<b>Size</b>
Engelmann Spruce	11	(5) 10', (3) 12', (3) 14'
Bristlecone Pine	2	(1) 10', (1) 12'
Quaking Aspen	40	Caliper for deciduous trees (14 @ 2" caliper, 26 @ 3" caliper - 50% multi-stem)
Potentilla	7	5 gallon
Twinberry Honeysuckle/Woods Rose	6	5 gallon
<b>Defensible Space (22A):</b>	Complies	
<b>Drainage (27A/27R):</b>	Positive away from residence	
<b>Driveway Slope:</b>	8 %	
<b>Point Analysis (Sec. 9-1-17-3):</b>	<p>Proposal warrants negative four (-4) points under Policy 7 (Relative) Site and Environmental Design for excessive paving related to the driveway design, negative one (-1) point under Policy 33 (Relative) Energy Conservation for 196 sq. ft. of outdoor heated space, and positive four (+4) points under Policy 22 (Relative) Landscaping for a plan that provides above average landscaping, and positive one point (+1) under Policy 33 (Relative) Energy Conservation for providing a HERS analysis, for a passing point analysis of zero (0). Proposal meets all absolute policies of the Development Code. (Past precedent: 1.) Summit Premier Residence, PC#2014065, 284 Timber Trail, +4 points for above average landscaping plan consisting of: Engelmann 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.</p>	
<b>Staff Action:</b>	Staff has approved the Watts Residence, PL-2015-0218, located at 191 Hamilton Court, Lot 104, Discovery Hill, with the attached Findings and Conditions.	
<b>Comments:</b>	Property owner has provided an encroachment license agreement for the stone retaining wall in the 10' snowstack easement.	
<b>Additional Conditions of Approval:</b>	Condition #13. Prior to building permit applicant shall provide a certified HERS preliminary report to receive positive one (+1) point under Policy 33 (Relative) Energy Conservation.	

<b>Final Hearing Impact Analysis</b>				
Project:	Watts Residence	<b>Positive Points</b>	<b>+5</b>	
PC#:	2015-0218			
Date:	7/15/2015	<b>Negative Points</b>	<b>- 5</b>	
Staff:	Matt Thompson, AICP			
		<b>Total Allocation:</b>	<b>0</b>	
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)	- 4	Excessive paving and site disturbance related to driveway design.
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	Internal Circulation	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		

18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)	+4	For above average landscaping plan.
24/A	<b>Social Community</b>	Complies		
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		
33/R	Energy Conservation - Energy Conservation	3x(-2/+2)	- 1	196 sq. ft. of heated driveway in front of garage.
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1	+1	For obtaining a HERS index preliminary report.
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		

41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

## TOWN OF BRECKENRIDGE

Watts Residence  
Lot 104, Discovery Hill  
191 Hamilton Court  
PL-2015-0218

**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 15, 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 21, 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 28, 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. A certified preliminary HERS analysis shall be provided to the Planning Department.
14. Applicant shall submit proof of ownership of the project site.
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. Applicant shall install construction fencing and erosion control measures in a manner acceptable to the Town Engineer.
22. 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.
23. 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**

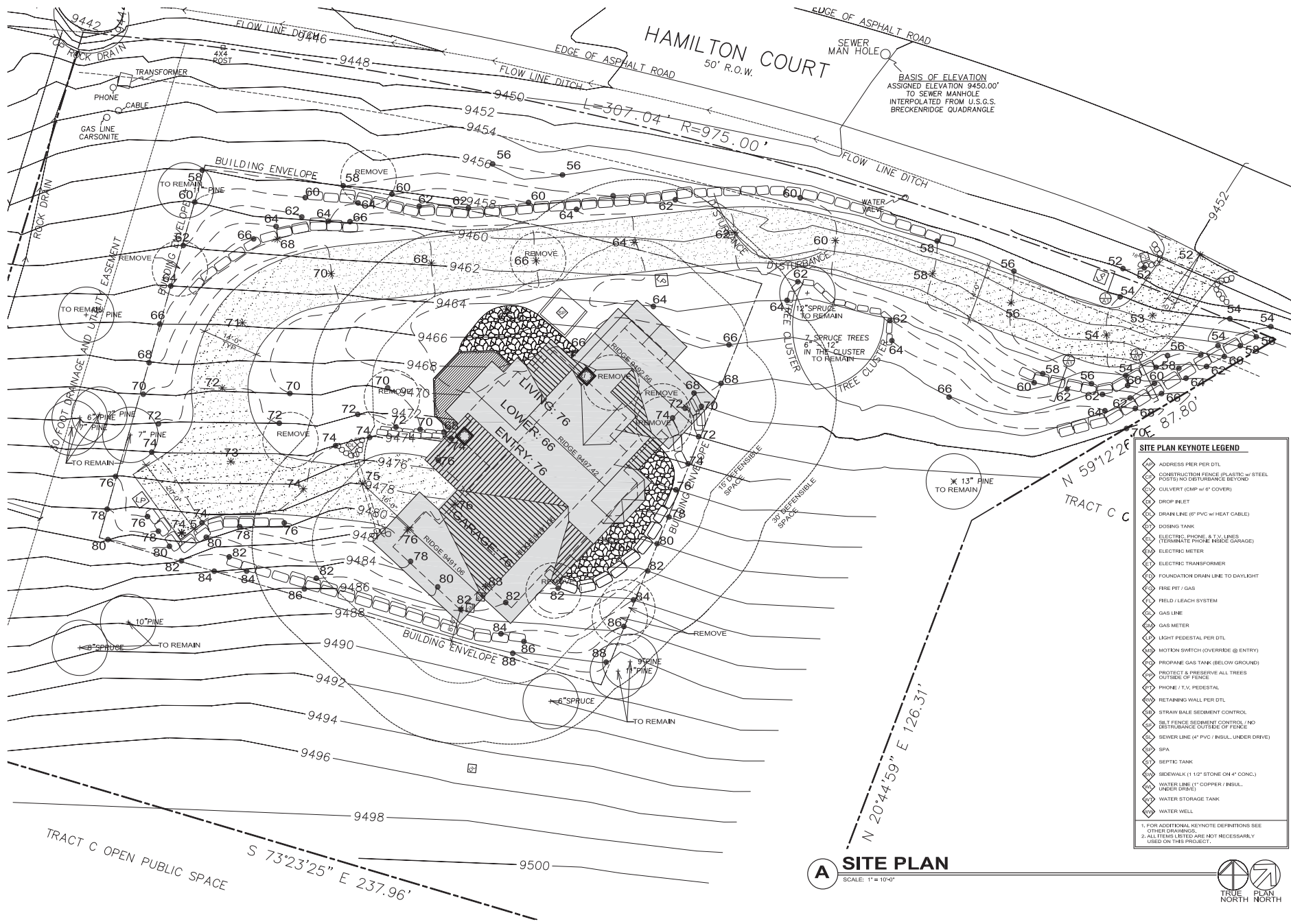
24. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.
25. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
26. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
27. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
28. 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.
29. Applicant shall screen all utilities.
30. 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.
31. 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.
32. 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.
33. 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.**

34. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
35. 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)



BASIS OF ELEVATION  
 ASSIGNED ELEVATION 9450.00'  
 TO SEWER MANHOLE  
 INTERPOLATED FROM U.S.G.S.  
 BRECKENRIDGE QUADRANGLE

**SITE PLAN KEYNOTE LEGEND**

[Symbol]	ADDRESS PIER PER DTL
[Symbol]	CONSTRUCTION FENCE (PLASTIC w/ STEEL POSTS) NO DISTURBANCE BEFORE
[Symbol]	CULVERT (CMP w/ 6" COVER)
[Symbol]	DROP INLET
[Symbol]	DRAIN LINE (6" PVC w/ HEAT CABLE)
[Symbol]	DORING TANK
[Symbol]	ELECTRIC PHONE, A.T.V. LINES (TERMINATE PHONE INSIDE GARAGE)
[Symbol]	ELECTRIC METER
[Symbol]	ELECTRIC TRANSFORMER
[Symbol]	FOUNDATION DRAIN LINE TO DAYLIGHT
[Symbol]	RISE PIT / GAS
[Symbol]	FIELD / LEACH SYSTEM
[Symbol]	GAS LINE
[Symbol]	GAS METER
[Symbol]	LIGHT PEDESTAL PER DTL
[Symbol]	MOTION SWITCH (OVERRIDE @ ENTRY)
[Symbol]	PROPANE GAS TANK (BELOW GROUND)
[Symbol]	PROTECT & PRESERVE ALL TREES OUTSIDE OF FENCE
[Symbol]	PHONE / T.V. PEDESTAL
[Symbol]	RETAINING WALL PER DTL
[Symbol]	STRAIN BALE SEDIMENT CONTROL
[Symbol]	SILT FENCE (SEDIMENT CONTROL) (NO DISTURBANCE OUTSIDE OF FENCE)
[Symbol]	SEWER LINE (4" PVC / INSUL. UNDER DRIVE)
[Symbol]	SPA
[Symbol]	SEPTIC TANK
[Symbol]	SIDEWALK (1 1/2" STONE ON 4" CONC.) UNDER DRIVE
[Symbol]	WATER LINE (1" COPPER / INSUL. UNDER DRIVE)
[Symbol]	WATER STORAGE TANK
[Symbol]	WATER WELL

1. FOR ADDITIONAL KEYNOTE DEFINITIONS SEE OTHER DRAWINGS.  
 2. ALL ITEMS LISTED ARE NOT NECESSARILY USED ON THIS PROJECT.

**A SITE PLAN**  
 SCALE: 1" = 10'-0"



**WATTS RESIDENCE**  
 191 HAMILTON CT  
 LOT 104, THE HIGHLANDS - DISCOVERY HILL #2  
 BRECKENRIDGE, COLORADO

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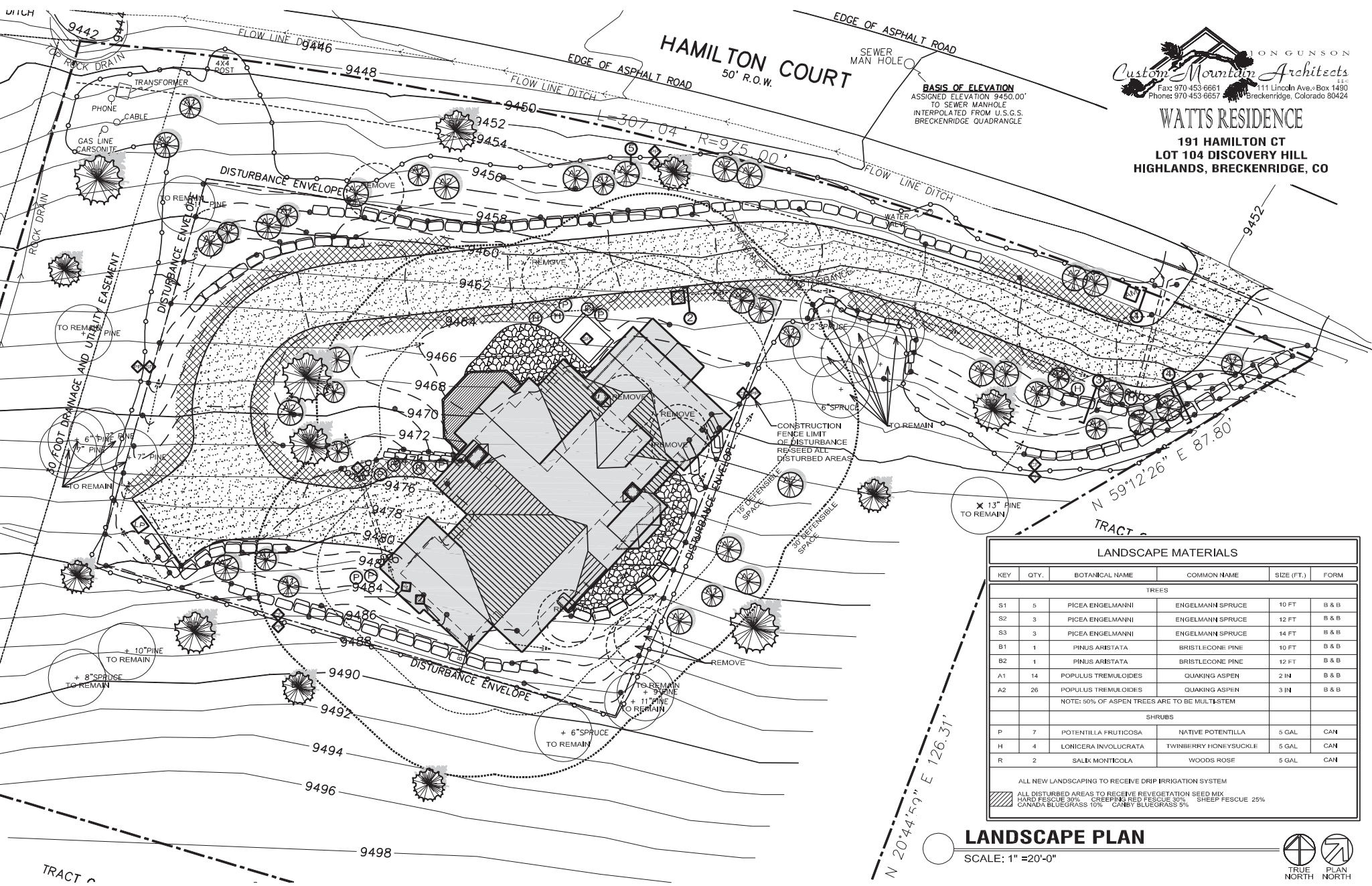
Job number: 1408  
 progress print date: 06-28-2014  
 release date:

REVISIONS


**A-1**

**WATTS RESIDENCE**  
 191 HAMILTON CT  
 LOT 104 DISCOVERY HILL  
 HIGHLANDS, BRECKENRIDGE, CO

**BASIS OF ELEVATION**  
 ASSIGNED ELEVATION 9450.00'  
 TO SEWER MANHOLE  
 INTERPOLATED FROM U.S.G.S.  
 BRECKENRIDGE QUADRANGLE

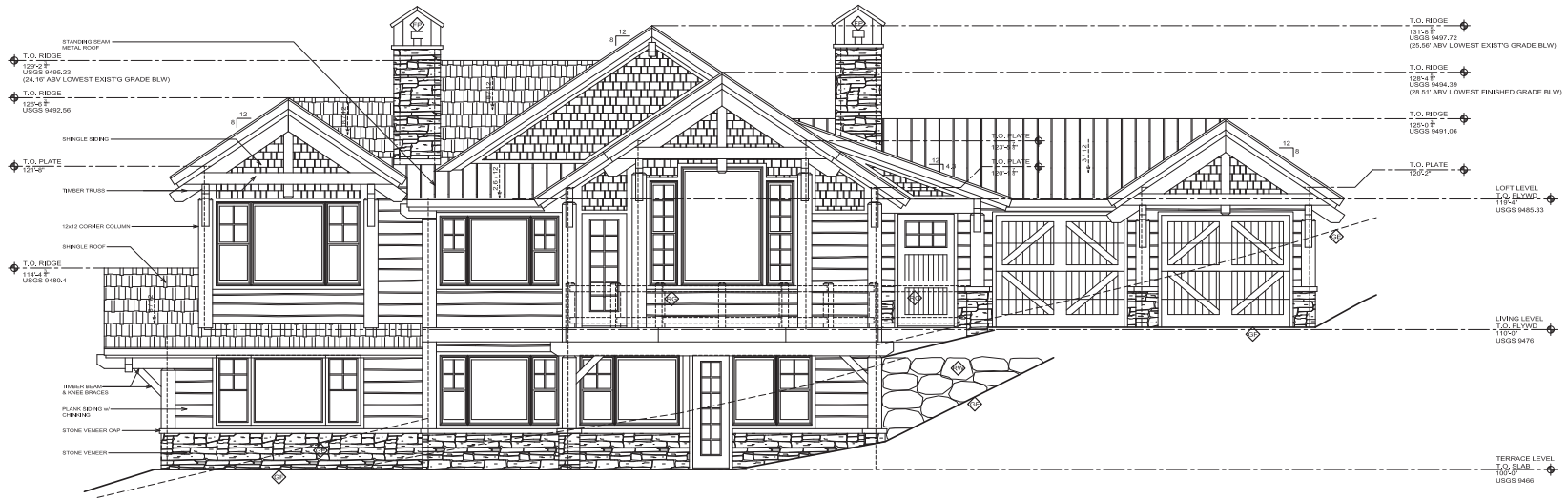


LANDSCAPE MATERIALS					
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE (FT.)	FORM
TREES					
S1	5	PICEA ENGELMANNI	ENGELMANN SPRUCE	10 FT	B & B
S2	3	PICEA ENGELMANNI	ENGELMANN SPRUCE	12 FT	B & B
S3	3	PICEA ENGELMANNI	ENGELMANN SPRUCE	14 FT	B & B
B1	1	PINUS ARISTATA	BRISTLECOCK PINE	10 FT	B & B
B2	1	PINUS ARISTATA	BRISTLECOCK PINE	12 FT	B & B
A1	14	POPULUS TREMULOIDES	QUAKING ASPEN	2 IN	B & B
A2	26	POPULUS TREMULOIDES	QUAKING ASPEN	3 IN	B & B
NOTE: 50% OF ASPEN TREES ARE TO BE MULTI-STEM					
SHRUBS					
P	7	POTENTILLA FRUTICOSA	NATIVE POTENTILLA	5 GAL	CAN
H	4	LONICERA INVOLUCRATA	TWINBERRY HONEYSUCKLE	5 GAL	CAN
R	2	SALIX MONTICOLA	WOODS ROSE	5 GAL	CAN
ALL NEW LANDSCAPING TO RECEIVE DRIP IRRIGATION SYSTEM ALL DISTURBED AREAS TO RECEIVE REVEGETATION SEED MIX HARD FESCUE 50% CREEPING RED FESCUE 30% SHEEP FESCUE 25% CANADA BLUEGRASS 10% CANBY BLUEGRASS 5%					

**LANDSCAPE PLAN**

SCALE: 1" = 20'-0"





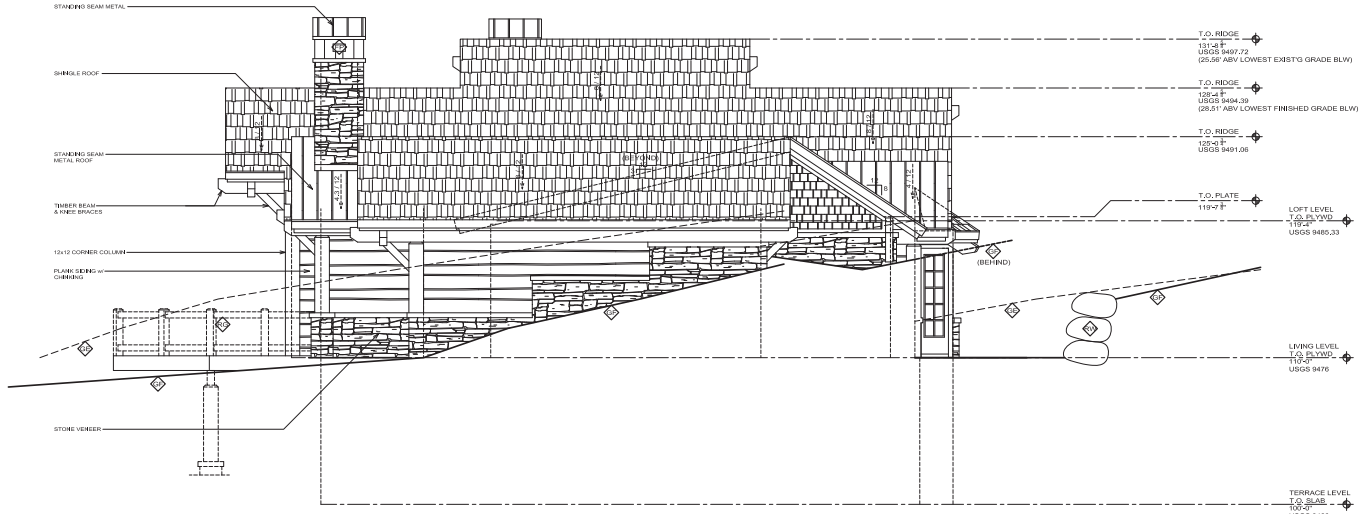
**A WEST ELEVATION**  
SCALE: 1/4" = 1'-0"

**ELEVATIONS KEYNOTE LEGEND**

	FIREPLACE FLUE w/ ROOF JACK & FLASHING
	GRADE EXISTING
	GRADE FINISHED
	RAIL GUARD
	RETAINING WALL

**ROOF PITCHES**

TOTAL ROOF AREA	4,218 SQ. FT.
ROOF AREA w/ 8:12 PITCH OR GREATER:	2,999 SQ. FT. (71% OF TOTAL AREA)
ROOF AREA w/ LESS THAN 8:12 PITCH:	1,220 SQ. FT. (29% OF TOTAL AREA)



**B SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



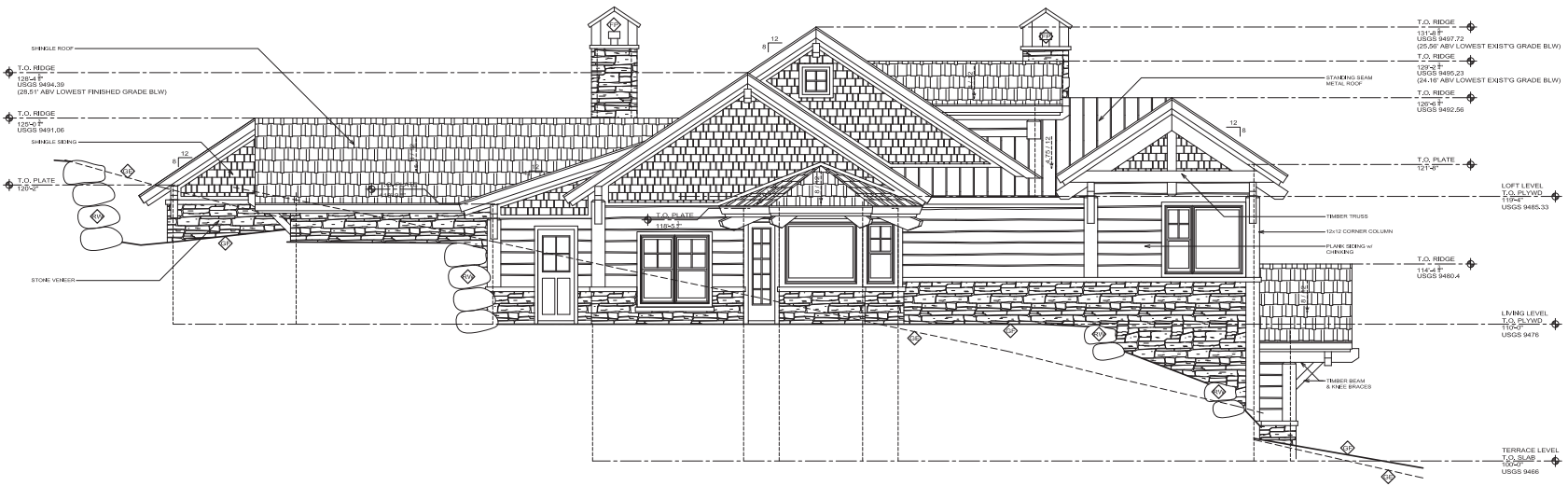
**WATTS RESIDENCE**  
191 HAMILTON CT  
LOT 104, THE HIGHLANDS - DISCOVERY HILL #2  
BRECKENRIDGE, COLORADO

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Job number: 14408  
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release date:

revisions:

**A 6**



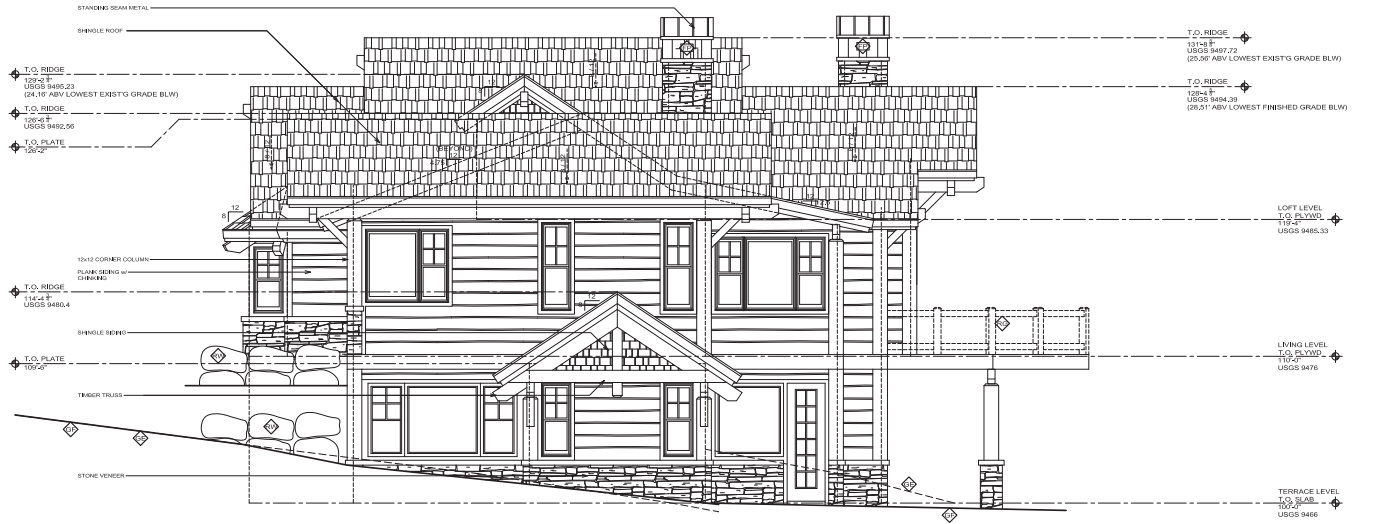
**A EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

**ELEVATIONS KEYNOTE LEGEND**

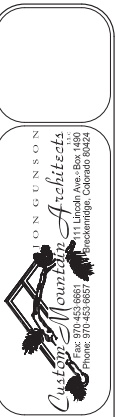
	FIREPLACE FLUE w/ ROOF JACK & FLASHING
	GRADE EXISTING
	GRADE FINISHED
	RAIL GUARD
	RETAINING WALL

**ROOF PITCHES**

TOTAL ROOF AREA	4,218 SQ. FT.
ROOF AREA w/ 8/12 PITCH OR GREATER:	2,999 SQ. FT. (71% OF TOTAL AREA)
ROOF AREA w/ LESS THAN 8/12 PITCH:	1,220 SQ. FT. (29% OF TOTAL AREA)



**B NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**WATTS RESIDENCE**  
191 HAMILTON CT  
LOT 104, THE HIGHLANDS - DISCOVERY HILL #2  
BRECKENRIDGE, COLORADO

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JON GLANSON ARCHITECT A.L.A.  
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progress print date 07-28-2014  
release date

revisions


**A.7**



### Class C Single Family Development Review Check List

<b>Project Title:</b>	McDivitt Residence Garage Addition	
<b>Proposal:</b>	To add 109 sq. ft. of garage addition, which will be a 4'-4" x 24'-2" addition onto the existing garage. Also, to bring the existing living area (previously not permitted by different homeowner) into compliance with the Development Code and Building Code, the existing stairway must be re-constructed and an enclosed hallway constructed on the south (left) side of the garage. The hallway will be inside the existing house, but separated from the garage by a 1-hour wall. In order to maintain adequate space for parking two cars, a 4'-4" addition is required on the opposite (north) side of the garage. This addition will be 20'-6" from the front property line, which meets the absolute setback of 20', but not the relative setback of 25', resulting in negative (-3) points.	
<b>Project Name and PC#:</b>	McDivitt Residence garage addition	PL-2015-0247
<b>Project Manager:</b>	Matt Thompson, AICP	
<b>PC Meeting Date:</b>	July 21, 2015	
<b>Date of Report:</b>	July 15, 2015	
<b>Property Owner:</b>	Mike and Karen McDivitt	
<b>Agent:</b>	Carla Anderson, ALSA	
<b>Address:</b>	138 Windwood Circle	
<b>Legal Description:</b>	Lot 27, Christie Heights	
<b>Area of Site in Square Feet:</b>	14,810 sq. ft.	0.34 acres
<b>Existing Site Conditions:</b>	The lot slopes gently uphill from the road towards the rear of the lot at 5%. The lot is moderately covered by lodgepole pine trees, spruce, and aspens. There is an existing drainage swale along the rear property line. There is a 5' snowstack easement along Windwood Circle.	
<b>Areas of Building:</b>	Proposed Square Footage	Existing Square Footage - If Applicable
Lower Level:		940 sq. ft.
Main Level:		1,704 sq. ft.
Upper Level:		1,116 sq. ft.
Accessory Apartment:		
Garage:	109 sq. ft.	448 sq. ft.
Total Gross Square Footage:	109 sq. ft.	4,208 sq. ft.
<b>Code Policies (Policy #)</b>		
<b>Land Use District (2A/2R):</b>	10	
<b>Density (3A/3R):</b>	Allowed: unlimited	Proposed: 3,760 sq. ft.
<b>Mass (4R):</b>	Allowed: 4,231 sq. ft. (Per Policy 4: Mass, "B. If a single family or duplex structure contains a garage, the measurement of the above ground square footage is subsection A applies only to that portion of the garage that exceeds 900 sq. ft.)	Proposed: 3,760 sq. ft.
<b>F.A.R.</b>	1:3.57 FAR	
<b>No. of Main Residence Bedrooms:</b>	4 bedrooms	
<b>No. of Main Residence Bathrooms:</b>	5.0 bathrooms	
<b>Height (6A/6R):*</b>	25 feet overall	
*Max height of 35' for single family outside Conservation District <u>unless</u> otherwise stated on the recorded plat		
<b>Lot Coverage/Open Space (21R):</b>		
Drip line of Building / Non-Permeable Sq. Ft.:	2,300 sq. ft.	15.53%

Hard Surface/Non-Permeable Sq. Ft.:	1,597 sq. ft.	10.78%
Open Space / Permeable Sq. Ft.:	10,913 sq. ft.	73.69%
<b>Snowstack (13A/13R):</b>		
Required Square Footage:	399 sq. ft.	25% of paved surfaces is required
Proposed Square Footage:	400 sq. ft.	(25.05% of paved surfaces)
<b>Outdoor Heated Space (33A/33R):</b>		
	NO	
<b>Parking (18A/18R):</b>		
Required:	2 spaces	
Proposed:	3 spaces	
<b>Fireplaces (30A/30R):</b>		
Number of Gas Fired:	1 Gas Fired	
Building/Disturbance Envelope?	No Envelope	
<b>Setbacks (9A/9R):</b>	20' Front Yard Setback	
	37' Side Yard Setback	
	17' Side Yard Setback	
	11' Rear Yard Setback	
<b>Architectural Compatibility (5/A &amp; 5/R):</b>	The residence will be architecturally compatible with the land use district and the neighborhood.	
<b>Exterior Materials:</b>	Addition will match existing residence with: 6" horizontal lap siding (gray), and cedar trim (white)	
<b>Roof:</b>	Gray asphalt shingles	
<b>Garage Doors:</b>	Existing doors will be used, which are paneled wood doors with windows	
<b>Landscaping (22A/22R):</b>		
<b>Planting Type</b>	<b>Quantity</b>	<b>Size</b>
Aspen Clumps	12	Caliper for deciduous trees (8) 2.5" (4) 3" caliper - 100% multi-stem)
White Fir	3	(2) 8', (1) 10'
Limber Pine	3	(1) 8', (2) 10'
Spruce	8 existing	25'-35' (existing)
Serviceberry	13	5 gallon
<b>Defensible Space (22A):</b>	Complies	
<b>Drainage (27A/27R):</b>	Positive away from residence	
<b>Driveway Slope:</b>	8.0 %	
<b>Point Analysis (Sec. 9-1-17-3):</b>	The proposed garage addition warrants negative three (-3) points under Policy 9 (Relative) Placement of Structures for not meeting the front yard setback of 25', positive one (+1) point for obtaining a HERS Index, which the applicant has done, and warrants positive two (+2) points under Policy 22 (Relative) Landscaping for a proposal that provides some public benefit and the preservation of specimen tree; preservation of groupings of existing healthy trees that provide wildlife habitat; preservation of native ground covers and shrubs, for a passing point analysis of zero (0). (Past precedent for +2 points for plans that provide some public benefit, include: Schumacher Residence (192 Marks Lane): (6) Engelmann spruce trees 8'-10' in height, (11) aspen trees 2.5"-3" minimum caliper, (4) Globe Spruce Shrubs, and (13) various native shrubs; Two Mile High Homes (20 New England Drive): (6) spruce 8'-10', (18) aspen (2.5") caliper; Peak 8 Adult Ski School Expansion: (8) aspen 5'-7' in height, and (7) spruce (5'-7') in height.	
<b>Staff Action:</b>	Staff has approved the McDivitt garage addition, PL-2015-0247, located at 138 Windwood Circle, Lot 27, Christie Heights, with the attached Findings and Conditions.	

<b>Final Hearing Impact Analysis</b>				
Project:	McDivitt Residence	<b>Positive Points</b>	<b>+3</b>	
PC#	2015-0247			
Date:	7/15/2015	<b>Negative Points</b>	<b>- 3</b>	
Staff:	Matt Thompson, AICP			
		<b>Total Allocation:</b>	<b>0</b>	
Items left blank are either not applicable or have no comment				
<b>Sect.</b>	<b>Policy</b>	<b>Range</b>	<b>Points</b>	<b>Comments</b>
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		
4/R	Mass	5x (-2>-20)		
5/A	<b>Architectural Compatibility / Historic Priority Policies</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)	- 3	Not meeting the relative front setback of 25'
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		
15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)		
16/A	<b>Internal Circulation</b>	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		



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

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

## TOWN OF BRECKENRIDGE

McDivitt Residence  
Lot 27, Christie Heights  
138 Windwood Circle  
PL-2015-0247

**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 15, 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 21, 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 28, 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. All hazardous materials used in construction of the improvements authorized by this permit shall be disposed of properly off site.

7. 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**

8. Applicant shall submit proof of ownership of the project site.
9. Applicant shall submit and obtain approval from the Town Engineer of final drainage, grading, utility, and erosion control plans.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Applicant shall install construction fencing and erosion control measures in a manner acceptable to the Town Engineer.
16. Applicant shall submit and obtain approval from Town staff of a cut sheet detail for all exterior lighting on the site. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15' in height from finished grade or 7' above upper decks.
17. Applicant shall submit to and obtain approval from the Department of Community Development a defensible space plan showing trees proposed for removal and the approximate location of new landscaping, including species and size. Applicant shall meet with Community Development Department staff on the Applicant's property to mark trees for removal and review proposed new landscaping to meet the requirements of Policy 22 (Absolute) Landscaping, for the purpose of creating defensible space.

#### **PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY**

18. Applicant shall revegetate all disturbed areas with a minimum of 2 inches topsoil, seed and mulch.

19. Applicant shall remove leaf clutter, dead branches and dead standing trees from the property, dead branches on living trees shall be trimmed to a minimum height of six (6) feet and a maximum height of ten (10) feet above the ground.
20. Applicant shall remove all vegetation and combustible material from under all eaves and decks.
21. Applicant shall create defensible space around all structures as required in Policy 22 (Absolute) Landscaping.
22. Applicant shall paint all garage doors, metal flashing, vents, flues, rooftop mechanical equipment, meters, and utility boxes on the building a flat, dark color or to match the building color.
23. Applicant shall screen all utilities.
24. All exterior lighting on the site or buildings shall be fully shielded to hide the light source and shall cast light downward. Exterior residential lighting shall not exceed 15 feet in height from finished grade or 7 feet above upper decks.
25. At all times during the course of the work on the development authorized by this permit, the permittee shall refrain from depositing any dirt, mud, sand, gravel, rubbish, trash, wastepaper, garbage, construction material, or any other waste material of any kind upon the public street(s) adjacent to the construction site. Town shall provide oral notification to permittee if Town believes that permittee has violated this condition. If permittee fails to clean up any material deposited on the street(s) in violation of this condition within 24 hours of oral notice from Town, permittee agrees that the Town may clean up such material without further notice and permittee agrees to reimburse the Town for the costs incurred by the Town in cleaning the streets. Town shall be required to give notice to permittee of a violation of this condition only once during the term of this permit.
26. The development project approved by this Permit must be constructed in accordance with the plans and specifications, which were approved by the Town in connection with the Development Permit application. Any material deviation from the approved plans and specifications without Town approval as a modification may result in the Town issuing a Stop Work Order and/or not issuing a Certificate of Occupancy or Compliance for the project, and/or other appropriate legal action under the Town's development regulations. A Stop Work Order may not be released until a modification to the permit is reviewed and approved by the Town. Based upon the magnitude of the modification, another hearing before the Planning Commission may be required.
27. No Certificate of Occupancy or Certificate of Compliance will be issued by the Town until: (i) all work done pursuant to this permit is determined by the Town to be in compliance with the approved plans and specifications for the project, and all applicable Town codes, ordinances and standards, and (ii) all conditions of approval set forth in the Development Permit for this project have been properly satisfied. If either of these requirements cannot be met due to prevailing weather conditions, the Town may issue a Certificate of Occupancy or Certificate of Compliance if the permittee enters into a Cash Deposit Agreement providing that the permittee will deposit with the Town a cash bond, or other acceptable surety, equal to at least 125% of the estimated cost of completing any required work or any applicable condition of approval, and establishing the deadline for the completion of such work or the satisfaction of the condition of approval. The form of the Cash Deposit Agreement shall be subject to approval of the Town Attorney. "Prevailing weather conditions" generally means that work can not be done due to excessive snow and/or frozen ground. **As a general rule, a cash bond or other acceptable surety will only be accepted by the Town between November 1 and May 31 of the following year. The final decision to accept a bond as a guarantee will be made by the Town of Breckenridge.**
28. Applicant shall submit the written statement concerning contractors, subcontractors and material suppliers required in accordance with Ordinance No. 1, Series 2004.
29. The development authorized by this Development Permit may be subject to the development impact fee imposed by Resolution 2006-05 of the Summit County Housing Authority. Such resolution implements the

impact fee approved by the electors at the general election held November 7, 2006. Pursuant to intergovernmental agreement among the members of the Summit Combined Housing Authority, the Town of Breckenridge is authorized to administer and collect any impact fee which is due in connection with development occurring within the Town. For this purpose, the Town has issued administrative rules and regulations which govern the Town's administration and collection of the impact fee. ***Applicant will pay any required impact fee for the development authorized by this Development Permit prior to the issuance of a Certificate of Occupancy.***

\_\_\_\_\_  
(Initial Here)

**Improvement Survey Plat**  
**Lot 27**  
**Lot Line Adjustment Plat Lots, 27 & 28**  
**Christie Heights Subdivision Filing No. 1 Amended**  
**Town of Breckenridge**  
**Summit County, Colorado**  
**Section 36, T6S, R78W, 6th P.M.**  
**(138 Windwood Circle)**



- Legend**
- (M) Field Measurement
  - (F) Flat
  - (C) Calculated from Plat
  - ◆ Found nail with red cap L51948
  - ◇ Found nail with orange cap L51959
  - Found nail with yellow cap L51947
  - Set Number 3 nail with purple cap L51926
  - Found
  - Old
  - Communications

- Notes**
- 1) Bearings are based on the west line of Lot 27, N24°44'00"W per record plat. The southerly end of said line is a nail with yellow cap stamped L5 19847. The southerly end of said line is a nail with orange cap L5 1939.
  - 2) Lined: 1/4" = 100' Survey Scale.
  - 3) Lot Area: 0.343 Acres, 14822 Square Feet.
  - 4) Approximately 3 to 4 feet of snow on the ground at the time of the survey. Easements, improvements and utilities at or near ground level would not have been seen or shown on this survey.
  - 5) Only visible utilities shown. Underground lines not shown.
  - 6) Call Town of Breckenridge Planning and Building Department for information on zoning, building restrictions and setbacks for Parcel A, Potosi Lode Sub-division.
  - 7) Deck partially snow covered at time of survey. Shown per Breckenridge Land Survey records (survey done in 1999).
  - 8) Driveway shown as paved. Asphalt visible to areas. Surface mostly snow and ice packed at time of survey.
  - 9) Timbered retaining wall partially snow covered at time of survey. Only the portion of the wall that was visible is shown.
  - 10) For Breckenridge Land Survey records, three 2 monuments (L5 19847) were set in 1999. The locations were based on a 1939 plat from the point of beginning on Lot 28 (west side of Windwood Circle). Said point of beginning on lot 28 was a nail with cap L5 1939 (1999 Survey).
  - 11) Call Town of Breckenridge Planning and Building Department for information on building restrictions and setbacks for subject parcel.

This survey does not constitute a title or ownership search by Blue River Land Surveying. All easements, easements and public record information was based on the Owner's Title Commitment Order No. MEO2010007-1, issued by Land Title Guarantee Company.

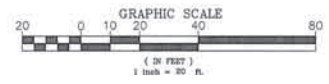
I, Robert B. Peters, being a Registered Land Surveyor in the State of Colorado, do hereby certify that this plat was prepared by me and under my supervision from a survey made by me and under my supervision and that both the plat and the survey are true and correct to the best of my knowledge and belief.



Notice: According to Colorado law you must comment any legal action based upon any defect in this survey within three years after you first discover such defect, but no later than any action based upon any defect in this survey by commenced more than ten years from the date of the certification shown herein.

This Land Survey Plat was accepted for deposit on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and it first index Land Survey Plat Reception on \_\_\_\_\_ in the office of the Summit County Clerk and Recorder.

Signed: \_\_\_\_\_  
 Summit County Surveyor



**Blue River Land Surveying**  
 (970) 668-3730  
 PO Box 1800 Frisco, CO 80443  
 www.blueriverlandsurveying.com

**Improvement Survey Plat**  
 Lot 27  
 Lot Line Adjustment Plat Lots, 27 & 28  
 Christie Heights Subdivision Filing No. 1 Amended  
 Town of Breckenridge  
 Summit County, Colorado  
 Section 36, T6S, R78W, 6th P.M.

Date: 03-12-2011 10:09

McDermott Size

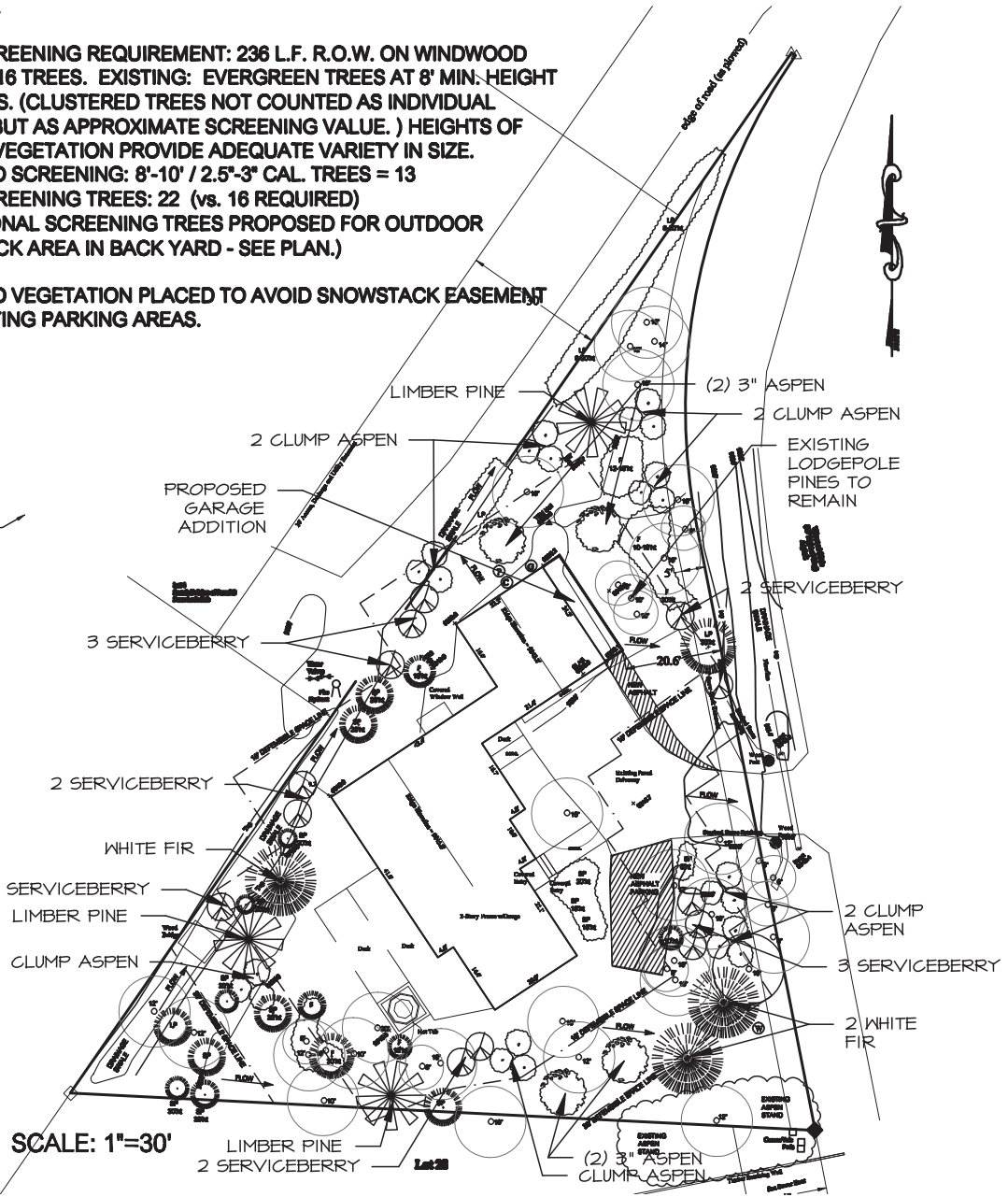
**LANDSCAPE NOTES:**

**EXISTING VEGETATION:** NO EXISTING VEGETATION IS PROPOSED TO BE REMOVED. LOCATIONS ON PLAN ARE APPROXIMATE AS FIELD-MEASURED BY LANDSCAPE ARCHITECT. SIZES OF SCREENING EVERGREENS (WIDTH AND HEIGHT) ARE MEASURED ON SITE. LARGE LODGE POLE PINES: TRUNK DIAMETERS ARE MEASURED ON SITE. CANOPY SIZES ARE APPROXIMATE/FIGURATIVE.

**NEW VEGETATION FOR SCREENING IS LOCATED TO FILL IN AREAS THAT ARE NOT ALREADY SCREENED BY EXISTING VEGETATION, RATHER THAN SPACED AT 15' INTERVALS ALONG RIGHT-OF-WAY. PROPOSED VEGETATION IS SHOWN GRAPHICALLY AT 60% OF AVERAGE MATURE WIDTH, 125-150% OF APPROXIMATE SIZE AT PLANTING.**

**R.O.W. SCREENING REQUIREMENT: 236 L.F. R.O.W. ON WINDWOOD CIRCLE = 16 TREES. EXISTING: EVERGREEN TREES AT 8' MIN. HEIGHT = 9+ TREES. (CLUSTERED TREES NOT COUNTED AS INDIVIDUAL TRUNKS, BUT AS APPROXIMATE SCREENING VALUE.) HEIGHTS OF EXISTING VEGETATION PROVIDE ADEQUATE VARIETY IN SIZE. PROPOSED SCREENING: 8'-10' / 2.5"-3" CAL. TREES = 13  
TOTAL SCREENING TREES: 22 (vs. 16 REQUIRED)  
(5 ADDITIONAL SCREENING TREES PROPOSED FOR OUTDOOR LIVING/DECK AREA IN BACK YARD - SEE PLAN.)**

**PROPOSED VEGETATION PLACED TO AVOID SNOWSTACK EASEMENT AND EXISTING PARKING AREAS.**



**PLANT SCHEDULE:**

CLUMP ASPEN	POPULUS TREMULOIDES	2.5" CAL.	B&B	8	
ASPEN	POPULUS TREMULOIDES (NURSERY GROWN)	3" CAL.	B&B	4	
WHITE FIR	ABIES CONCOLOR	8' HT.	B&B	2	
WHITE FIR	ABIES CONCOLOR	10' HT.	B&B	1	
LIMBER PINE	PINUS FLEXILIS	8' HT.	B&B	1	
LIMBER PINE	PINUS FLEXILIS	10' HT.	B&B	2	
SERVICEBERRY	AMELANCHIER ALNIFOLIA	#5	CONT.	13	

**LEGEND - EXISTING NATIVE VEGETATION:**

EXISTING EVERGREEN SCREENING - NATIVE SPECIES, BRANCHES/FOLIAGE TO WITHIN 2' OF EXISTING GRADE. F= SUBALPINE FIR; SP=ENGLERMAN SPRUCE; LP= LODGEPOLE PINE

EXISTING LARGE LODGEPOLE PINE - MAJOR TRUNK (8"+), NO FOLIAGE PRESENT AT VISUAL HEIGHT FOR SCREENING

EXISTING ASPEN STAND (DENSE)

**SHEET**  
L-P1  
**PLANNING PLAN:**  
TREES AND SHRUBS

REVISIONS:	DATE	COMMENTS

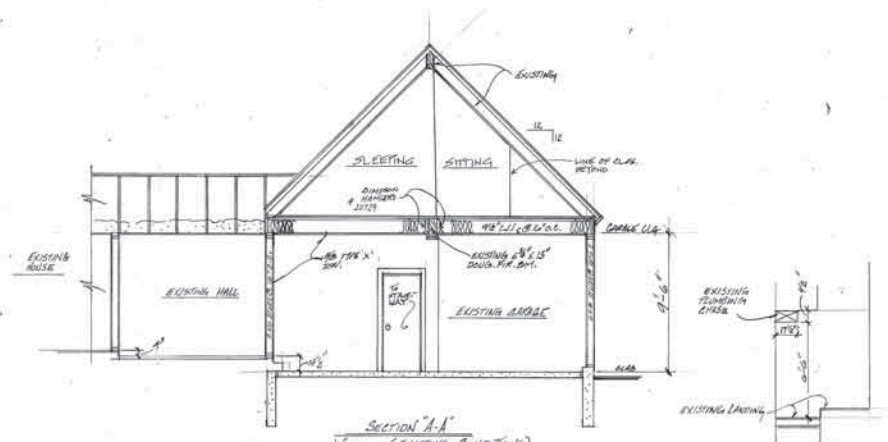
**LANDSCAPE UPGRADES AND DRAINAGE PLAN**  
**McDIVITT RESIDENCE**  
138 WINDWOOD CIRCLE  
BRECKENRIDGE, CO.

**Carla Anderson, ALSA**  
LANDSCAPE ARCHITECTURE  
GARDEN DESIGN  
CONSTRUCTION SUPERVISION

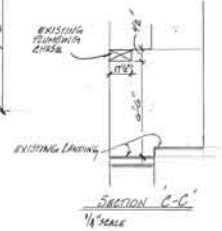




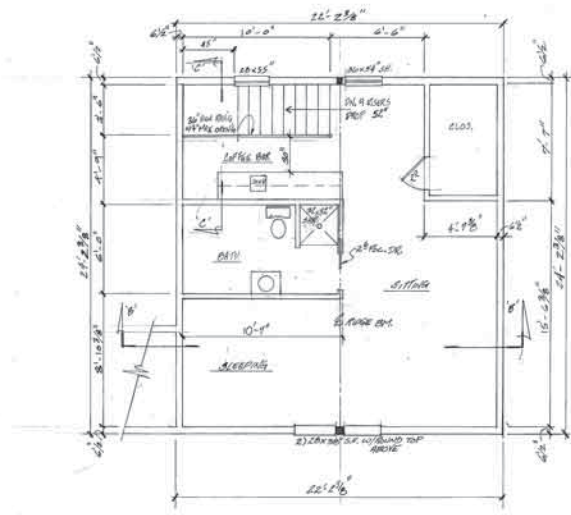
FRONT ELEVATION OF GARAGE  
1/4" SCALE (EXISTING CONDITIONS)



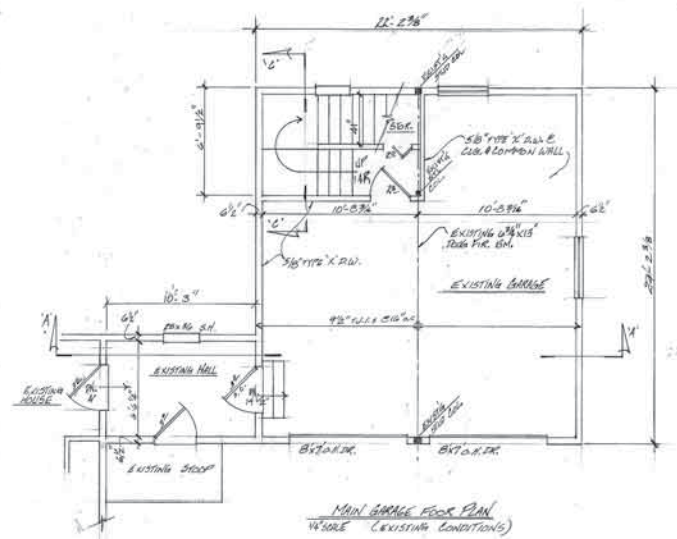
SECTION "A-A"  
1/4" SCALE (EXISTING CONDITIONS)



SECTION "C-C"  
1/4" SCALE



UPPER LEVEL OVER EXISTING GARAGE  
1/4" SCALE (EXISTING CONDITIONS)



MAIN GARAGE FLOOR PLAN  
1/4" SCALE (EXISTING CONDITIONS)

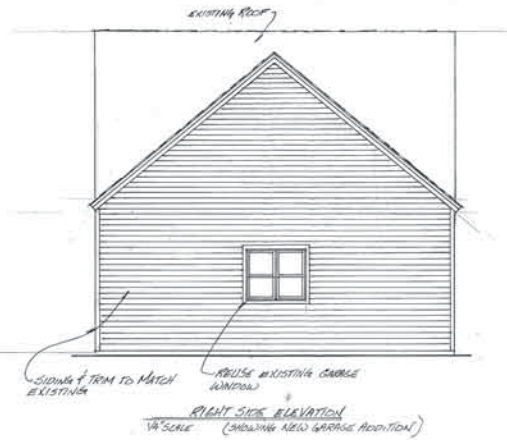
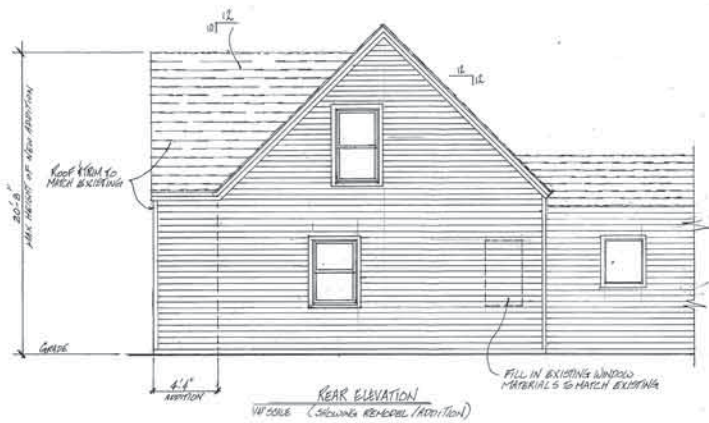
A CUSTOM HOME DESIGN FOR:  
REMODEL & ADDITION  
MICK & KAREN MCGILVER  
1700 S. WINDWOOD CIRCLE  
BRIGHTON, CO

EXISTING CONDITIONS  
SHOWING GARAGE & UPPER  
LEVEL OVER GARAGE

**StarPro, Inc.**  
 P.O. BOX 28  
 DIVIDE, COLORADO 80814  
 719-687-0746  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 DATE: 5.15.08

REVISED: SHEET:  
1 OF 3





A CUSTOM HOME DESIGN FOR:  
 KIMBERLY & ADRIENNE  
 MARK & KAREN MURPHY  
 138 WILDWOOD CIRCLE  
 BRICKNORRIS, CO

★  
 PO BOX 28  
 DIVIDE,  
 COLORADO 80814  
 719-687-0746

StarPro, Inc.

DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 SCALE: \_\_\_\_\_  
 SHEET: \_\_\_\_\_

REVISED: \_\_\_\_\_ SHEET:  
 3 OF 3

# 138 Windwood Circle, Breckenridge, CO

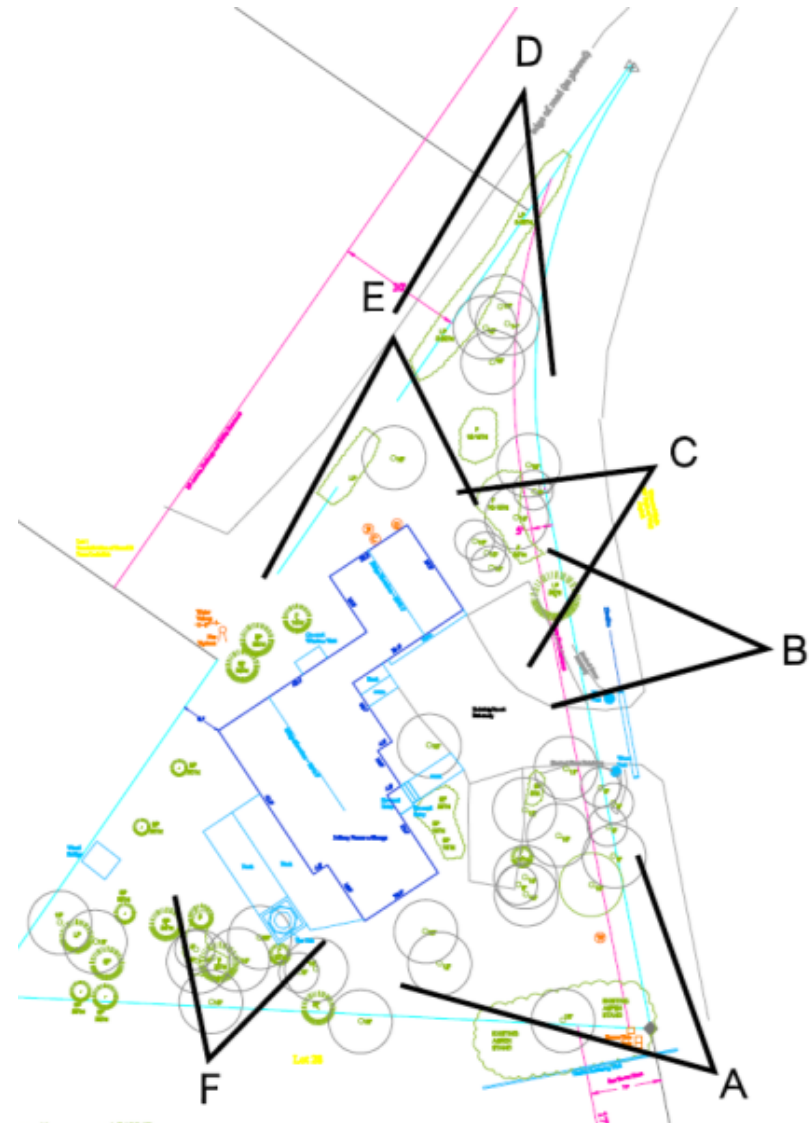
## Existing Site Conditions



**VIEW A – FROM STREET AT FIRST PROPERTY CORNER**



**VIEW B – FROM STREET SHOWING EXISTING VEGETATIVE SCREENING OF GARAGE**



**PHOTO VIEW LOCATIONS**

138 Windwood Circle, Breckenridge, CO  
Existing Site Conditions



**VIEW C – GARAGE/LOCATION OF PROPOSED ADDITION**



**VIEW D – GARAGE FROM FAR PROPERTY CORNER**



**VIEW E – EXISTING GARAGE, LOCATION OF PROPOSED ADDITION**



**VIEW F – FROM NEIGHBOR'S DRIVEWAY, EXISTING DECK/ HOT TUB AND VEGETATIVE SCREENING**



**TO: Planning Commission**

**FROM: Julia Puester, AICP, Senior Planner**

**DATE: June 26, 2015 for meeting of July 21, 2015**

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

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The last update to the Temporary Structures ordinance was approved by the Town Council on April 8, 2104. That modification did not address temporary tents which were to be discussed further at a later time.

Issues have arisen since the last update to the policy regarding temporary tents for events. Recently, staff saw a request for a private function with a tent for thirty (30) days in duration which was not approved under the current policy. There is a lack of detail in the Temporary Structures Policy as well as the Town Code Special Events Chapter (Chapter 13, Title 4-attached) for such private events, not allowing such tents. Currently, tents are not allowed either inside or outside of the Conservation District unless a permit has been issued per the Special Events Chapter (which applies only to public events). The proposed policy modification attempts to rectify this and make further clarifications regarding tents.

The Planning Commission held a work session June 16 and discussed the following changes to the policy:

- In the Conservation District: 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.
- Arts District (In the Conservation District): The Commission voiced the desire to remove a proposed exemption for privately held events such as weddings so that the same rules apply across the board. The Commission was supportive of an exemption for public events in the Arts District. Although the Commission limited their recommendation to exempting public events, Staff's proposal includes language for exempting both public and private events on public property based on past Council discussion.
- Property owned by non-profit organizations in the Conservation District (Barney Ford Museum): An exemption was not supported by the Commission. The Commission voiced the desire to have privately held events (e.g. weddings) have the same rules as private property.
- Outside of the Conservation District: The Commission was not as concerned with the area outside the Conservation District. Support was voiced to allow for private events up to 30 days in duration with a Class D minor permit, 30 days in between permit issuance, not to exceed 3 permits per year.
- Permit reclassification clause: To address concerns that may be property location specific, staff

has included subsection (G) which allows the director to reclassify to the application per existing code, and would require it to come before the Planning Commission with public notice required.

- Grandfather clause: The Beaver Run summer seasonal tent has been approved by the Planning Commission and Town Council via a Class C permit for over 15 consecutive years. As there have been no issues with this permitted tent during this time, staff suggested a grandfather clause in this case. Some of the Commissioners voiced concern over the grandfather clause proposed and some were in support of it. An alternative approach would be to allow tents on a seasonal basis which are associated with a conference center. Staff has left the language in for additional discussion at this work session.

Staff has attached the draft ordinance with changes to the existing policy in **bold and double underline** based on Commissioner comments and would like to hear comments and concerns from the Planning Commission. This item will also be discussed at the joint work session scheduled with Town Council on July 28.

## 9-1-5 DEFINITIONS

Class D - Minor:

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

**I. Temporary tents to be used for five (5) days or less inside the Conservation District.**

**J. Temporary tents to be used for thirty (30) days or less outside the Conservation District.**

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

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

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

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

**TEMPORARY TENT STRUCTURE: A tent that is utilized for events for a specified and limited period of time of not more than five (5) days inside the Conservation District or thirty (30) days outside the Conservation District.**

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

- A. Prohibited In Conservation District: The placement of temporary structures within the conservation district is prohibited, except when authorized **by subsection (F) of this policy or** by a special event permit issued pursuant to [title 4, chapter 13](#) of this code.
- B. Discouraged Outside Conservation District: The placement of temporary structures outside of the conservation district is strongly discouraged.
- C. Temporary Structures Or Uses: Temporary structures as defined in section [9-1-5](#) of this chapter are subject to the following conditions:
  - (1) Temporary structures shall only be utilized to replace an existing structure being demolished on site while a new, permanent structure on the same site is being constructed.
  - (2) The temporary structure shall have no greater floor area than the structure it is temporarily replacing.



- (3) The temporary structure shall not be placed on site until a building permit has been issued for the new structure, and shall be removed once a certificate of occupancy for the new structure has been issued.
- (4) The holder of the development permit for a temporary structure shall provide a monetary guarantee to the town, in a form acceptable to the town attorney, ensuring the complete removal of the structure, site cleanup, and site revegetation, once a certificate of occupancy for the new structure has been issued. In addition, the holder of the development permit shall enter into an agreement with the town authorizing the town to take possession of the temporary structure and to dispose of the structure, without the town being accountable for any damages for the loss or destruction of the structure, if the permit holder fails to remove the structure within a reasonable period of time after a certificate of occupancy for the new structure has been issued.

D. Other Permitted Temporary Structures: Subsection C of this section does not prohibit temporary tents, air structures, or other similar temporary structures that are not designed and intended for office, retail, industrial or commercial uses, and such temporary structures may be approved subject to all other relevant development code policies.

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

- (1) A seasonal noncommercial greenhouse may be erected and operated only from May 1 to July 1 of the same year. Not later than July 2, the seasonal noncommercial greenhouse (including frame) shall be completely removed from its location;
- (2) A seasonal noncommercial greenhouse shall not exceed five hundred (500) square feet in size;
- (3) A seasonal noncommercial greenhouse shall be located in the rear or side yard insofar as practical;
- (4) A seasonal noncommercial greenhouse shall not be placed on a permanent foundation;
- (5) A seasonal noncommercial greenhouse shall be constructed of materials which, taken as a whole, give the appearance of a unified and coordinated design;
- (6) A seasonal noncommercial greenhouse shall be maintained at all times in a neat and orderly condition;
- (7) All materials related to the operation of a seasonal noncommercial greenhouse shall be stored within the greenhouse. The outdoor storage of such materials is prohibited; and
- (8) If a seasonal noncommercial greenhouse is located on land normally used for required off street parking, the greenhouse shall not occupy more than two (2) parking spaces.

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

The director shall not collect an application fee in connection with a class D minor development permit application to construct a seasonal noncommercial greenhouse which is submitted by the owner of a single-family residential structure. (Ord. 10, Series 2014)

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

**1. Inside the Conservation District:**

- a. **A temporary tent shall be limited to a five (5) day duration;**
- b. **A temporary tent shall obtain a Class D minor permit;**
- c. **Only one temporary tent permit may be issued per property or business within 30 consecutive calendar days;**
- d. **Temporary tents shall not exceed three (3) permits per year;**
- e. **A temporary tent may not be placed on required parking or landscaping; and**
- f. **Temporary tents may be located on public property with Town permission. These tents are exempt from subsections (F)(1)(a-e) above.**

**2. Outside the Conservation District:**

- a. **A temporary tent shall be limited to a five (5) day duration, with the exception of subsection (F)(2)(c) below;**
- b. **A temporary tent shall obtain a Class D minor permit;**
- c. **One temporary tent permit may be issued for a maximum duration of thirty (30) consecutive days per property or business within one of the following time periods: end of ski season at the Breckenridge Ski Resort until June 1, or the Tuesday after Labor Day until the start of ski season at the Breckenridge Ski Resort;**
- d. **A temporary tent may not be placed in a location that may cause impacts to applicable Development Code policies such as circulation, or be located on required parking or landscaping; and**
- e. **Temporary tents shall not exceed three (3) permits per year.**

**G. Reclassification: Should a development permit application be reclassified per section 9-1-5 Classification, the application shall be processed as a class C development permit with**

public notice requirements per a class B development permit.

H. Exempt Temporary Tents: The following are considered exempt tents, when determined by the planning director to have:

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

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

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

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

- A. A special commercial event permit issued pursuant to this policy may authorize the holder of the permit to do one or more of the following in connection with the special commercial event: erect temporary structures; **temporary tents**, display signs and banners to promote or advertise the special commercial event or its participants; have live or recorded, amplified music in connection with the special commercial event; conduct a live, remote radio broadcast at the site of the special commercial event, and

distribute commercial handbills to promote and advertise the special commercial event and its participants.

- B. No permit for a special commercial event shall be issued unless the reasonably anticipated impacts of such event are adequately mitigated. The town shall have the power to impose reasonable conditions on such permit in accordance with section [9-1-17-7](#) of this chapter when necessary to protect the public health, safety and welfare. Such conditions may include, without limitation: 1) restrictions on location, hours of operation, and parking; 2) requirements for trash collection, removal and disposal; 3) restrictions on noise; 4) requirements for sanitation; 5) requirements for traffic control and security; and 6) requirements for the cleanup of the site following the conclusion of the special commercial event.
- C. If a special commercial event is to be held on property which does not belong to the nonprofit sponsor, written approval from the owner of the property where the special commercial event is to be held shall be submitted along with the development permit application. (Ord. 40, Series 2002)
- D. If a special commercial event is to be held on property owned by the town, the nonprofit sponsor shall obtain permission to use the property from the town manager and shall, at its cost, obtain and maintain in effect throughout the special commercial event commercial general liability insurance with limits of liability not less than one million dollars (\$1,000,000.00), or such higher limits of liability as the town manager may require based upon the nature of the special commercial event and other relevant factors. The town shall be named as an additional insured under such insurance policy. (Ord. 28, Series 2013)
- E. The following provisions of this code shall not apply to a special commercial event conducted pursuant to a development permit issued under this policy, unless the application of such provision is made an express condition of the permit:
- (1) Section [9-1-19-36A](#), "Policy 36 (Absolute) Temporary Structures", of this chapter (prohibition against use of temporary structures).
  - (2) Section [9-1-19-44A](#), "Policy 44 (Absolute) Radio Broadcasts", of this chapter (pertaining to live, remote radio broadcasts).
  - (3) Section [5-8-9](#) of this code (prohibition against the use of sound for advertising).
  - (4) Section [8-2-15](#) of this code (prohibition against off premises signs and banners, prohibition against use of attention getting devices, and prohibition against use of sandwich board signs only).
  - (5) Section [11-5-3](#), "Limitation On Manner Of Distributing Commercial Handbills In Public Places", of this code.

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

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

**Planning Commission Staff Report**

**Subject:** **Final Hearing:** Lincoln Park at the Wellington Neighborhood Phase 1 Subdivision, a portion of Section 32, Township 6 South, Range 77 West of the 6th Principal Meridian, Town of Breckenridge, Summit County, Colorado, (Class A Subdivision, Final Hearing) PC#2014039

**Date:** July 15, 2015 (For meeting of July 21, 2015)

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

**Applicant/Agent:** David O’Neil / Poplar Wellington Inc.

**Proposal:** A proposal to subdivide a portion Phase 1 of the Lincoln Park at the Wellington Neighborhood into 15 salable lots and private open space in accordance with the Lincoln Park at the Wellington Neighborhood 7th Master Plan Modification.

**Site Area:** 20.54 Acres or 894,595 Sq. Ft.

**Legal Description:** A resubdivision of Lots 1-3, Block 6, and the remainder of Lot 4, Block 6, Wellington Neighborhood, A portion of Section 32, Township 6 South, Range 77 West of the 6<sup>th</sup> Principal Meridian, Town of Breckenridge, Summit County, Colorado

**Land Use District:** 16, Subject to Wellington Neighborhood Phase 2 Master Plan and the Lincoln Park at the wellington Neighborhood Master Plan.

**Site Conditions:** The property is undeveloped and consists of primarily Dredge tailings. Portions of the tailings have been graded in the last ten years by the developer and other portions remain as they were left by a dredge boat. There are mature conifers, aspens, and willows at the northwest portion of the site. Elk Pond, fed by French Creek to the north, and a graded detention area lie west of Rodeo Drive (existing ROW from Phase 1 of the Wellington Neighborhood)

**Adjoining Uses:** Northeast: Phase 1 of the Wellington Neighborhood  
Southeast: Future Lincoln Park development area and Phase 1 of the Wellington Neighborhood  
Southwest: The Breckenridge Stables at Stillson Patch Placer and Breckenridge Heights Subdivision.  
West: Wellington Road and Vista Point Subdivision

### Item History

The initial subdivision for the Wellington Neighborhood (PC#1999149) encompassed the entire 84.6-acre property (Phase 1, Phase II and Lincoln Park at the Wellington Neighborhood). All of Phase 1 and only a portion of Phase II have been developed. Phase 2 encompasses the development east of Union Mill Road. Lot 3, Block 6 was left unimproved and anticipated for future development. The Planning Commission approved the Wellington Neighborhood 2 Master Plan (PC#2005042) on February 7, 2006 and the Town Council approved it on February 14, 2006. Most recently, the Town Council approved (de novo hearing) the Lincoln Park at the Wellington Neighborhood Phase II, Master Plan Modification (7th Master Plan Amendment of Wellington Neighborhood Master Plan) PC#2014038 on April 28, 2015.

The first re-subdivision of Wellington Neighborhood 2 (Wellington Neighborhood Re-Subdivision of Block 5 and Lot 6 PC#2006013) was approved by the Planning Commission on February 21, 2006. This first phase of Lincoln Park is 20.54 acres.

The layout of this block is similar to the illustrative plan of the Lincoln Park at the Wellington Neighborhood Master Plan (7th Master Plan Amendment of Wellington Neighborhood Master Plan).

### Staff Comments

**Block/Lot and Size/Layout:** The proposed re-subdivision has similar development patterns, landscaping, road/alley layout, and typical green development as illustrated on the Lincoln Park at the Wellington Neighborhood Master Plan. The original 1999 Annexation Agreement allowed the smaller lots, reduced setbacks, and narrow road sections that do not meet the Development Code and Subdivision Standards and have been designed throughout the entire subdivision.

The public open space dedication requirement for all re-subdivisions of the Wellington Neighborhood have been met with the initial subdivision. This open space lies along the south boundary of the entire development area for the Wellington Neighborhood and Lincoln Park at the Wellington Neighborhood.

A previously platted tract of private open space belonging to the Wellington Neighborhood, Tract A, is being re-platted, with HOA approval, into a slightly larger tract A-1 of 2.73 acres. The “Vern Johnson Park” is proposed to be developed in Phase 2 of the Lincoln Park at the Wellington Neighborhood Master Plan. We have no concerns

**Drainage / Utilities:** Drainage and utilities will be engineered and constructed consistent with the previous phases. The applicant’s engineer has been working with Town Engineering Staff to provide detention facilities, which meet Town standards, for this phase and as future subdivisions are added to the overall development. A Condition of Approval will be added requiring this information to be added to the final grading plans prior to any construction of the above ground improvements for this subdivision.

**Wetlands Disturbance:** The Engineering Department has requested copy and confirmation of the Army Corp Permit for Wetlands disturbance (or inclusion of this document in the EPA documentation) for this portion of the subdivision. Staff has not yet received this information. Findings and Conditions have been included addressing this issue. Per the conditions, no wetlands will be allowed to be disturbed until documentation and approval from the Army Corps and other federal agencies is provided. An updated wetlands delineations map has been provided for reference (attached).

**Landscaping:** Landscaping will utilize the same patterns as the earlier phases of the Wellington Neighborhood - conifers and aspens defining right of ways, with bluegrass ground cover from the front of the house to the street. Working with Staff, the Applicant has agreed to place the trees outside the Town right of ways unless allowed otherwise by the Town's Public Works Department. This will improve the effectiveness of the snow stacking, emergency service vehicles, plow trucks and Town buses along these streets. Public Works and Planning Staff will review the placement of the plantings along the right of ways and may allow, on a case-by-case basis, encroachments into this setback.

The sides of all detention ponds are to receive capping soil, top soil and irrigated native seed mix. Staff has no concerns and Staff review of all landscaping improvements has been added as a Condition of Approval.

**Road Names:** As the only right of way is an extension of the existing "Bridge Street" the County and Emergency Services and the Town have no concerns with road names.

**Street Lighting and Signage:** Street lighting will be identified at the final review.

**French Creek Improvements:** Per the 2006 Amendment to Annexation Agreement (Rec#817872) an easement for the benefit of the Town is to be created along French Creek with this subdivision and future subdivisions of Lincoln Park at the Wellington Neighborhood. Those portions of French Creek that lie outside Lincoln Park are to be dedicated through cooperation with the Wellington Neighborhood HOA.

*5.3 French Creek Easement. Owner shall grant an easement to the Town over those portions of French Creek as are located within the Phase II Property to provide the Town with a drainage easement for French Creek, which easement shall allow for, among other things, the Town to obtain access and to have the ability to improve water quality and riparian habitat and shall be in a form and contain such terms and conditions as are mutually acceptable to the Town Attorney and Owner's attorney. In addition, . Owner shall cooperate with the Town in obtaining a similar easement over those portions of French Creek as have been previously platted as private open pace under the control of Wellington Neighborhood Association, if the Town requests such easement from said Association.*

Plat note #15 addresses this requirement for this filing. We have no concerns.



Phasing Notes from the Lincoln Park at the Wellington Neighborhood Master Plan: The development to this phase is tied to the Lincoln Park at the Wellington Neighborhood Master Plan and is to include:

*The portion of the Bridge Street right-of-way and the other improvements shown within Block 1, plus the proposed Rodeo Pedestrian Bridge connecting Reliance Green to Rodeo Drive in addition, Phase 1 will include the improvement of Stables Road, (excluding paving) up to alley 3A, which is located within Town of Breckenridge property to the west of Lincoln Park, up to and including the intersection with Bridge Street. It is anticipated that easements will be granted by the Town for the Connections from Stables Road to alley R.O.W.'S 2A, 3A & 4A.*

These provisions were discussed at the previous hearing. This note has been reviewed by Planning and Engineering staff. We have no concerns.

**Public Transportation:** At the time of this writing, the applicant has been working with staff to draft a Condition of Approval that would address the interim need to provide bus service to the existing Wellington Neighborhood. This service would be provided until Bridge Street is completed within Lincoln Park. We will have more information at the evening public hearing.

#### **Staff Recommendation**

The proposed lot layout, green design and landscaping follows the patterns of the Lincoln Park at the Wellington Neighborhood Master Plan. We welcome any comments from the Commission regarding the information presented in this report.

With the added Condition regarding the confirmation of the Army Corp Permit for Wetlands disturbance (or inclusion of this document in the EPA documentation) for this portion of the subdivision, along with a Condition related to bus service, we recommend approval of the Lincoln Park at the Wellington Neighborhood Phase 1 Subdivision, PC#2014039, with the attached Findings and Conditions.

## TOWN OF BRECKENRIDGE

**Lincoln Park at the Wellington Neighborhood Phase 1 Subdivision  
a portion of Section 32, Township 6 South, Range 77 West of the 6th Principal Meridian,  
Town of Breckenridge, Summit County, Colorado  
To be Determined  
PC#2014039**

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

### FINDINGS

1. The proposed project is in accord with the Subdivision Ordinance and does not propose any prohibited use.
2. The project will not have a significant adverse environmental impact or demonstrative negative aesthetic effect.
3. All feasible measures mitigating adverse environmental impacts have been included, and there are no economically feasible alternatives which would have less adverse environmental impact.
4. This approval is based on the staff report dated **July 15, 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 21, 2015** as to the nature of the project. In addition to Commission minutes, the audio of the meetings of the Commission are recorded.
6. If the real property which is the subject of this application is subject to a severed mineral interest, the applicant has provided notice of the initial public hearing on this application to any mineral estate owner and to the Town as required by Section 24-65.5-103, C.R.S.
7. **There are wetlands identified on the subject property. These wetlands have been identified by Western Ecological Resources, Inc and are shown on the wetlands impact map titled "Figure 1. Proposed Development Plan & Waters of the U.S. & Impacts, Lincoln Park Lincoln Park Development", July 2015 of the "Traditional Neighborhood Builders Lincoln Park 2015 Subdivision Submittal" set of drawings.**

### CONDITIONS

1. The Final Plat of this property may not be recorded unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the Town of Breckenridge.
2. If the terms and conditions of the approval are violated, the Town, in addition to criminal and civil judicial proceedings, may, if appropriate, refuse to record the Final Plat, issue a stop order requiring the cessation of any work being performed under this permit, revoke this permit, require removal of any improvements made in reliance upon this permit with costs to constitute a lien on the property and/or restoration of the property.
3. This permit will expire three (3) years from the date of Town Council approval, on **July 28, 2018** unless the Plat has been filed. In addition, if this permit is not signed and returned to the Town within 30 days from the

permit mailing date, the duration of the permit shall be three years, but without the benefit of any vested property right.

4. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the evidentiary forms and policy analysis forms.
5. Applicant shall construct the subdivision according to the approved subdivision plan, and shall be responsible for and shall pay all costs of installation of public roads and all improvements including revegetation, retaining walls, and drainage system. All construction shall be in accordance with Town regulations.
6. This permit contains no agreement, consideration, or promise that a certificate of occupancy or certificate of compliance will be issued by the Town. A certificate of occupancy or certificate of compliance will be issued only in accordance with the Town's planning requirements/codes and building codes.
7. Applicant shall be required to install an address sign identifying all residences served by a private drive posted at the intersection with the primary roadway.
8. Applicant shall be required to install capping soil, top soil and irrigated native seed mix on the sides of all detention ponds.
9. **Applicant shall install construction fencing and erosion control measures at streams and wetlands in a manner acceptable to the Town Engineer. An onsite inspection shall be conducted.**
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 subdivision improvements permit.
11. **The wetlands, as depicted on "Figure 1. Proposed Development Plan & Waters of the U.S. & Impacts, Lincoln Park Development" by Western Ecological Resources, Inc dated July 2015 shall be field located and staked by a qualified surveyor. A chain-link fence shall be placed beyond the boundary of these wetlands by 10-feet so as to not disturb any of the wetlands. This fencing must remain in place until there is approval from the jurisdictional Federal Agency, EPA or Army Corps of Engineers, and Town to remove it**
12. **The developer may proceed with work as directed by the Town and detailed in the approved Final Subdivision Construction Plans; however, the developer shall not disturb any delineated wetlands or the fencing surrounding the wetlands without prior approval from the jurisdictional Federal Agency, EPA or Army Corps of Engineers, and Town.**

#### **PRIOR TO RECORDATION OF FINAL PLAT**

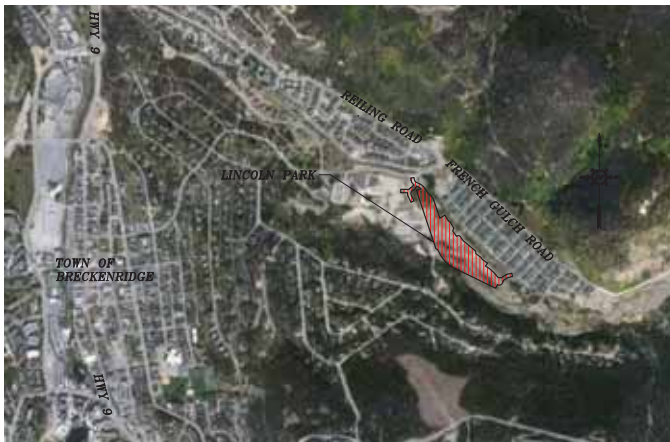
13. Applicant shall submit and obtain approval from Town staff of a final plat that meets Town subdivision requirements and the terms of the subdivision plan approval.
14. For each filing, Final Subdivision Construction Plans shall be submitted and approved by the Town Engineer prior to issuance of Building Permits for the first lot in each filing or phase.
15. The Condition Letter of Map Revision (CLOMR) for French Gulch must be approved prior to issuance of a Certificate of Occupancy for any structure on the north side of Bridge Street. This includes Block 1 Lots 8,9,10, and 11.

16. Applicant shall submit and obtain approval from the Town Attorney for any restrictive covenants and declarations for the property.
17. Applicant shall either install all public and private improvements shown on the subdivision plan, or a Subdivision Improvements Agreement satisfactory to the Town Attorney shall be drafted and executed specifying improvements to be constructed and including an engineer's estimate of improvement costs and construction schedule. In addition, a monetary guarantee in accordance with the estimate of costs shall be provided to cover said improvements.
18. Applicant shall submit and obtain approval from the Town Engineer of all traffic control signage and street lights which shall be installed at applicant's expense prior to acceptance of the streets by the Town.
19. The final plat shall include a statement specifying that with the exception of driveway and utility installations, no building, decks, grading, or construction disturbance may extend beyond the building envelope limits.
20. Per Section 9-2-3-5-B of the Subdivision Standards, the following supplemental information must be submitted to the Town for review and approval prior to recordation of the final plat: title report, errors of closure, any proposed restrictive covenants, any dedications through separate documents, and proof that all taxes and assessments have been paid.

**PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE**

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

**FINAL PLAT**  
**LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 1**  
**SECTION 32, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6th PRINCIPAL**  
**MERIDIAN, TOWN OF BRECKENRIDGE**  
**SUMMIT COUNTY, COLORADO**  
**SHEET 1 of 3**



Vicinity Map  
(Not to Scale)

**OWNER'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS:

THAT UNION MILL INC., A COLORADO CORPORATION, AND WELLINGTON NEIGHBORHOOD ASSOCIATION, A COLORADO NON-PROFIT CORPORATION, BEING THE OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN SECTION 32, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6th PRINCIPAL MERIDIAN, TOWN OF BRECKENRIDGE, COUNTY OF SUMMIT, STATE OF COLORADO:

**LEGAL DESCRIPTION**

LOTS 1 and 2, BLOCK 6 and TRACT A, WELLINGTON NEIGHBORHOOD ACCORDING TO THE PLAT OF WELLINGTON NEIGHBORHOOD, AS RECORDED IN THE OFFICE OF THE SUMMIT COUNTY, COLORADO CLERK AND RECORDERS' ON OCTOBER 18, 1999 AT RECEPTION No. 698047, EXCEPTING FROM SAID TRACT A THE "RECREATION PATH PARCEL" AS CONVEYED TO THE TOWN OF BRECKENRIDGE BY DEED RECORDED NOVEMBER 5, 2009 AT RECEPTION No. 826664, CONTAINING 20.5371 ACRES OR 894,595 SQUARE FEET, MORE OR LESS.

HAVE LAID OUT, SUBDIVIDED AND PLATTED THE SAME INTO LOTS, TRACTS, RIGHTS OF WAY, OR EASEMENTS AS SHOWN HEREON UNDER THE NAME AND STYLE OF "LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 1," AND BY THESE PRESENTS, DO HEREBY SET APART AND DEDICATE TO THE PERPETUAL USE OF THE PUBLIC ALL OF THE STREETS, ALLEYS AND OTHER PUBLIC WAYS AND PLACES AS SHOWN HEREON, AND FURTHER HEREBY DEDICATES THOSE PORTIONS OF LAND LABELED AS EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF PUBLIC UTILITIES (LAND/ OR OTHER PURPOSES) AS SHOWN HEREON. IN WITNESS WHEREOF, THE OWNERS HAVE CAUSED THEIR NAMES TO BE HERETO SUBSCRIBED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

UNION MILL, INC., WELLINGTON NEIGHBORHOOD ASSOCIATION

By: \_\_\_\_\_ Name: \_\_\_\_\_  
 David G. O'Neil, President Title: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF COLORADO ) SS  
 COUNTY OF SUMMIT )  
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, by David G. O'Neil, PRESIDENT UNION MILL INC., A COLORADO CORPORATION.

MY COMMISSION EXPIRES \_\_\_\_\_ WITNESS MY HAND AND OFFICIAL SEAL.

**NOTARY PUBLIC**

ACKNOWLEDGMENT  
 STATE OF COLORADO ) SS  
 COUNTY OF SUMMIT )  
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BY \_\_\_\_\_ PRESIDENT WELLINGTON NEIGHBORHOOD ASSOCIATION, A COLORADO NON-PROFIT CORPORATION.

MY COMMISSION EXPIRES \_\_\_\_\_ WITNESS MY HAND AND OFFICIAL SEAL.

**NOTARY PUBLIC**

**CERTIFICATE OF TAXES PAID:**

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THE ENTIRE AMOUNT OF ALL TAXES DUE

AND PAYABLE AS OF \_\_\_\_\_ 2015 UPON PARCELS OF REAL ESTATE DESCRIBED ON THIS PLAT ARE PAID IN FULL.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015 AD.

**SUMMIT COUNTY TRUSTEER OF DEEDS**

NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

**TOWN OF BRECKENRIDGE CERTIFICATE:**

THIS PLAT IS APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.  
 TOWN OF BRECKENRIDGE

BY: \_\_\_\_\_  
 DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT

**NOTICE:**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE TOWN OF BRECKENRIDGE HEREBY ACCEPTS ALL OF THE OBLIGATIONS OF DEDICATION MADE BY THIS PLAT. HOWEVER, SUCH ACCEPTANCE DOES NOT CONSTITUTE AN ACCEPTANCE OF THE ROADS AND RIGHTS OF WAY REFLECTED HEREON FOR MAINTENANCE BY THE TOWN.  
 UNTIL SUCH ROADS AND RIGHTS OF WAY MEET TOWN ROAD SPECIFICATIONS AND ARE SPECIFICALLY ACCEPTED BY THE TOWN, THE MAINTENANCE, CONSTRUCTION AND ALL OTHER MATTERS PERTAINING TO OR AFFECTING SAID ROADS AND RIGHTS OF WAY ARE THE SOLE RESPONSIBILITY OF THE OWNERS OF THE LAND ENCOMPASSED WITHIN THIS SUBDIVISION.

**TOWN CLERK'S CERTIFICATE**

STATE OF COLORADO ) SS  
 TOWN OF BRECKENRIDGE )  
 COUNTY OF SUMMIT )  
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_\_ O'CLOCK, \_\_\_\_\_, 2015, AND IS DULY RECORDED.

**TOWN CLERK**

**TITLE COMPANY CERTIFICATE**

LAND TITLE GUARANTEE OF SUMMIT COUNTY, DOES HEREBY CERTIFY THAT WE HAVE EXAMINED THE TITLE TO ALL LANDS SHOWN HEREON AND ALL LANDS HEREIN DEDICATED BY VIRTUE OF THIS PLAT AND TITLE TO ALL SUCH LANDS IS IN THE INDICATED FREE AND CLEAR OF ALL CLAIMS, TAXES AND ENCUMBRANCES, EXCEPT AS FOLLOWS:

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2015.

**AGENT**

**SURVEYOR'S CERTIFICATE**

I, DENNIS E. O'NEIL, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO DO HEREBY CERTIFY THAT THIS PLAT OF LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 1, WAS PREPARED BY ME AND UNDER MY SUPERVISION, THAT BOTH THIS PLAT AND THE SURVEY ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT THE MONUMENTS WERE PLACED PURSUANT TO 38-61-103, C.R.S.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

DENNIS E. O'NEIL  
 COLORADO L.S. 23901

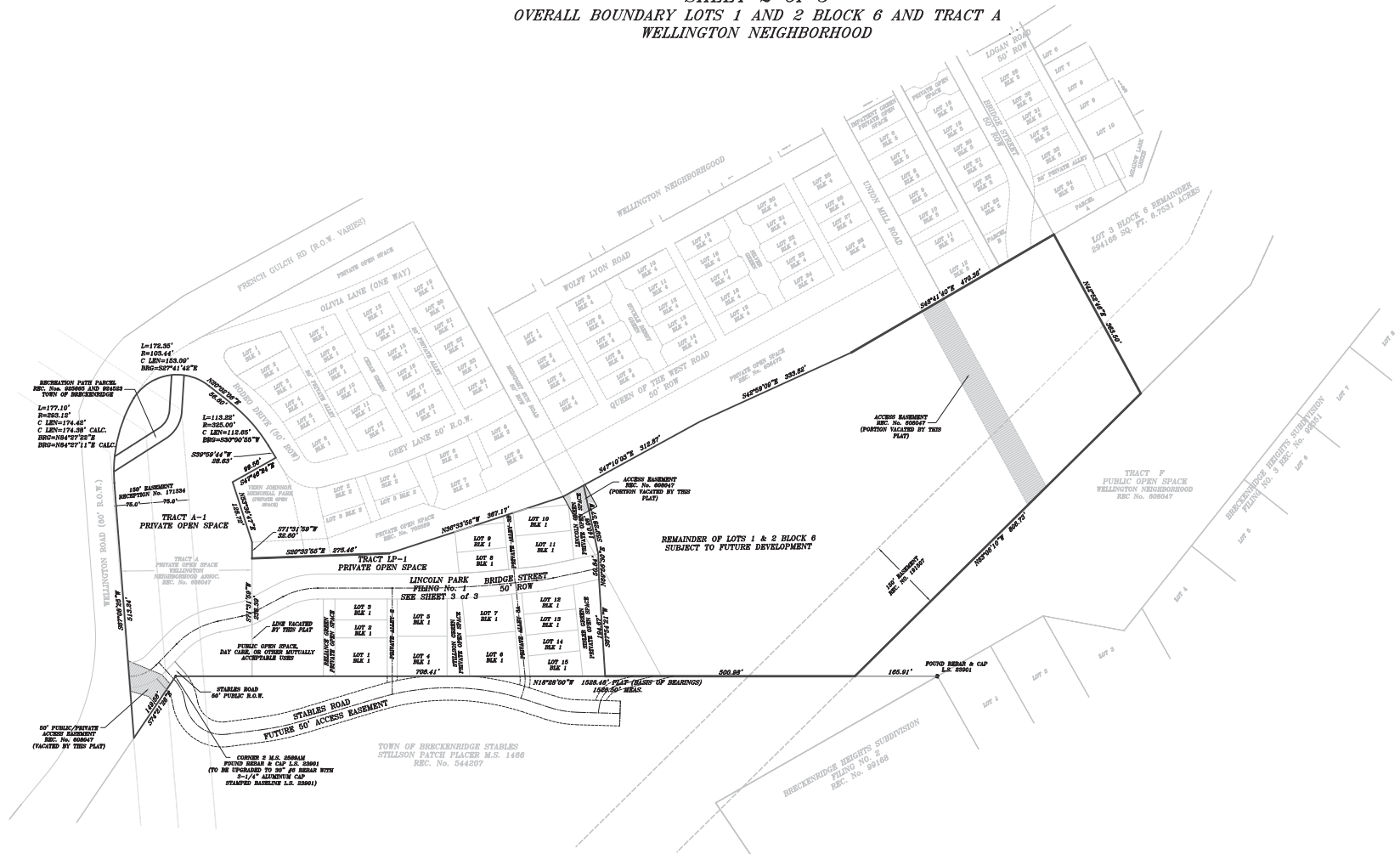
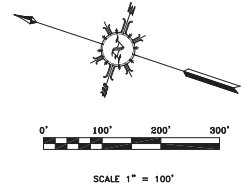
**CLERK AND RECORDERS CERTIFICATE**

STATE OF COLORADO ) SS  
 COUNTY OF SUMMIT )  
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE AT \_\_\_\_\_ M., THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2015, AND FILED UNDER RECEPTION NO. \_\_\_\_\_, SUMMIT

**COUNTY CLERK AND RECORDER**

<b>Baseline Surveys LLC</b>		PLAT NO. 1 OF 3 SHEET 1 OF 3	
FINAL PLAT LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 1 TOWN OF BRECKENRIDGE SUMMIT COUNTY, COLORADO		<b>SHEET 1 of 3</b>	
Date	Revisions	Date: 03/16/15	Scale Horiz N.T.S.
		Drawn By: C.T.Y.	Checked By: D.E.O.
		Job File: 3939	DWG 3939 FILING-1

**FINAL PLAT**  
**LINCOLN PARK AT THE WELLINGTON NEIGHBORHOOD, FILING No. 1**  
**SECTION 32, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6th PRINCIPAL**  
**MERIDIAN, TOWN OF BRECKENRIDGE**  
**SUMMIT COUNTY, COLORADO**  
**SHEET 2 of 3**  
**OVERALL BOUNDARY LOTS 1 AND 2 BLOCK 6 AND TRACT A**  
**WELLINGTON NEIGHBORHOOD**



<b>Baseline Surveys LLC</b>		PLAT NO. 2015-001 FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF SUMMIT COUNTY, COLORADO ON 03/30/2015	
<b>FINAL PLAT</b> <b>LINCOLN PARK AT THE WELLINGTON</b> <b>NEIGHBORHOOD, FILING No. 1</b> <b>TOWN OF BRECKENRIDGE</b> <b>SUMMIT COUNTY, COLORADO</b>			
Date		Revisions	
Date: 03/30/2015		Scale Horiz 1" = 100'	
Drawn By: C.T.Y.		Checked By: D.E.O.	
Job File: 3839		DWG 3839 FILING-1	



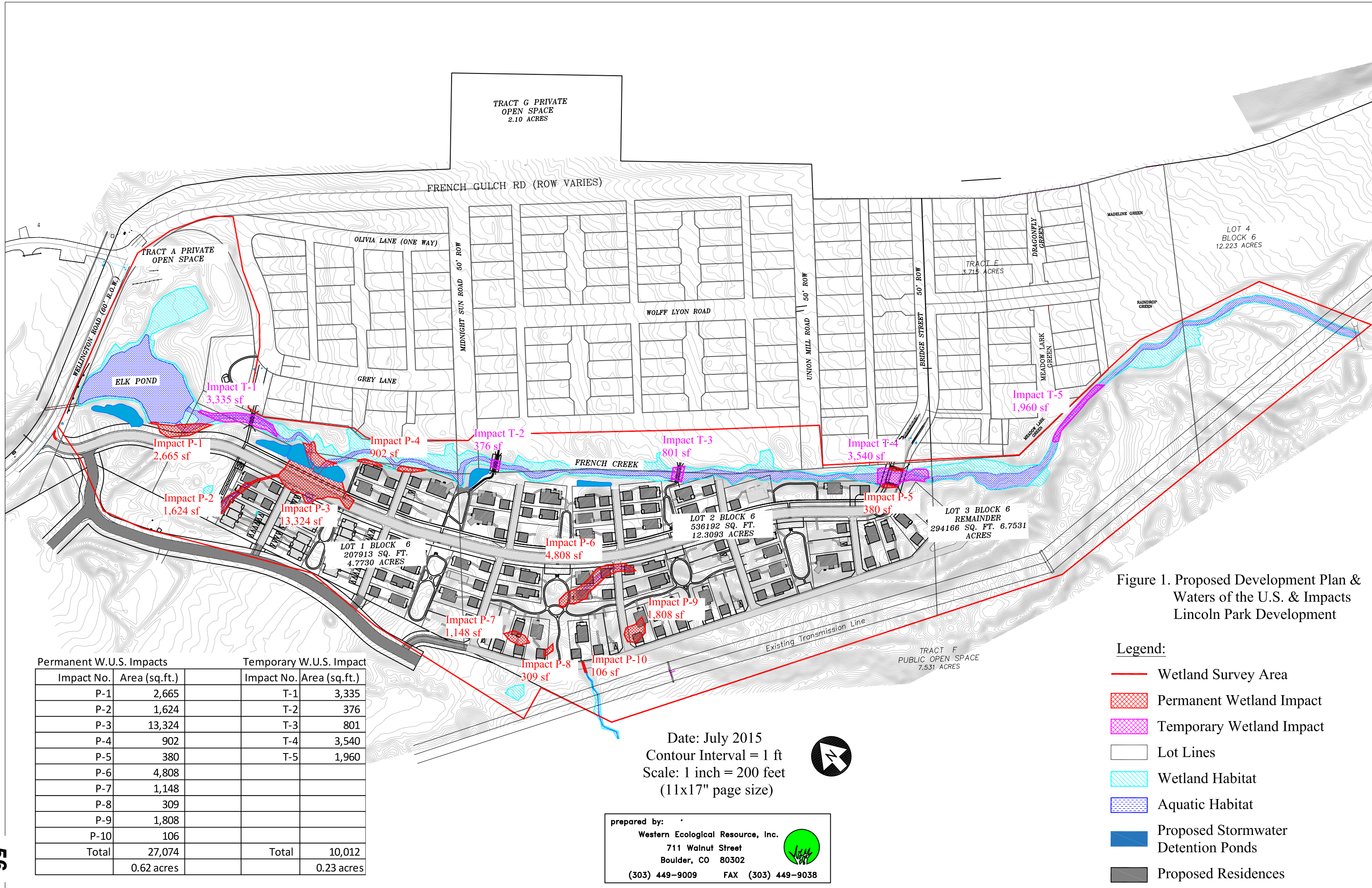


Figure 1. Proposed Development Plan & Waters of the U.S. & Impacts Lincoln Park Development

Permanent W.U.S. Impacts		Temporary W.U.S. Impact	
Impact No.	Area (sq.ft.)	Impact No.	Area (sq.ft.)
P-1	2,665	T-1	3,335
P-2	1,624	T-2	376
P-3	13,324	T-3	801
P-4	902	T-4	3,540
P-5	380	T-5	1,960
P-6	4,808		
P-7	1,148		
P-8	309		
P-9	1,808		
P-10	106		
<b>Total</b>	<b>27,074</b>	<b>Total</b>	<b>10,012</b>
	0.62 acres		0.23 acres

prepared by:  
**Western Ecological Resource, Inc.**  
 711 Walnut Street  
 Boulder, CO 80302  
 (303) 449-9009 FAX (303) 449-9038



Date: July 2015  
 Contour Interval = 1 ft  
 Scale: 1 inch = 200 feet  
 (11x17" page size)



## Planning Commission Staff Report

**Subject:** The Barney Ford Dumpster Expansion  
(Town Project; PL-2015-0226)

**Proposal:** To remodel and add to the existing 201 square foot dumpster and recycling enclosure. The proposed work includes a 259 square foot addition to the existing building. The addition will include a new cardboard dumpster and recycling totes for various recyclable materials. Related site work and landscaping will be included in the project. A material and color sample board will be available for review at the meeting.

**Date:** July 9, 2015 (For meeting of July 21, 2015)

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

**Applicant/Owner:** Town of Breckenridge

**Agent:** Neely Architecture, Lee “Sonny” Neely

**Address:** 216.5 South Main Street

**Legal Description:** No existing legal description on file - property conveyed to the Town per special warranty deed #242772 dated 07/26/1982 from Great Western Land & Cattle Co.

**Site Area:** 0.286 acres (12,492 sq. ft.) a portion of the Adams Alley Parcel

**Land Use District:** 19 Commercial, 1:1 Floor Area Ratio (FAR); 20 Units per Acre (UPA)

**Historic District:** #2, South Main Residential Character Area max.

**Site Conditions:** The site contains the alley between Main Street/Ridge Streets and Adams/Washington Avenues. The existing enclosure is located at the northwest portion of the alley at the double curve (see attached).

**Adjacent Uses:** North: The Barney Ford Museum  
East: Radosevich Residence  
South: Adams Ridge Subdivision  
West: Main Street various retail

**Density:** Allowed under LUGs: 12,492 sq. ft.  
Proposed density: 460 sq. ft.

**Above Ground Density:** Allowed @ 9UPA: 4,130 sq. ft.  
Proposed @ 1.0 UPA: 460 sq. ft.

**Mass:** Allowed under LUGs: 4,130 sq. ft.  
Proposed mass: 460 sq. ft.

**Height:** Recommended: 26-foot Absolute and 23-foot Relative (mean)

	Proposed (Existing):	13-feet (mean); 16-feet (overall)
<b>Setbacks:</b>	North:	0.25 ft.
	Sides:	20.0 ft. (exist) and 28.0 ft.
	South:	25.0 ft.

### Item History

The Town Council approved the Adams Ridge Subdivision on July 13, 1982. The Conditions of Approval included the provision of providing a land trade (to accommodate the shape of the alley) to the Town. The property was conveyed to the Town via a special warranty deed Rec#242772 dated 07/26/1982 from Great Western Land & Cattle Co. (the owners at the time). Staff is unable to find a legal description, but the Town assigned an address. Public Works calls this dumpster the “Barney Ford Dumpster”.

### Staff Comments

**Placement Of Structures (9/A & 9/R):** As a commercial use, zero setbacks are allowed. The existing setback for the existing dumpster is 1-foot. To accommodate adequate circulation and snow stacking the a corner of the addition will be placed about 4-inches off the north property line.

**Access / Circulation (16/A & 16/R; 17/A & 17/R):** The alley is posted as one-way with access from the north towards the south. However, the refuse/recycle vehicles access from the south to the north.

**Refuse (15/A & 15/R):** The proposed addition to the existing dumpster brings it into compliance with this policy and title 5, chapter 6, Trash Dumpsters And Compactors (Ord. 34, Series 1996) by providing a separate pedestrian access to the added recycle area, and improved ventilation.

Per the relative policy, Positive points may be awarded for: *Dumpster sharing with neighboring property owners; and having the shared dumpster on the applicant's site.* (Ord. 26, Series 2001). As this dumpster is currently shared with all of the adjacent business owners along this block of Main Street and Ridge Street, staff believes these improvements could be awarded positive points with this application. Does the Commission concur?

**The Social Community (24/A & 24/R):** As this dumpster is located within the Historic District, the design standards of the Handbook of Design Standards for the Historic and Conservation Districts apply.

Per Section 5.0, Design Standards for New Construction: *New construction within the Historic District should be compatible with the character of the historic resources found there. New designs that respect the general characteristics of the historic buildings including their basic scale, form, and materials are likely to be compatible: this means that a historic style need not be copied. Although historic styles may often be compatible, new design "styles" and also respect the basic characteristics of the district and be compatible while expressing current concepts.*

Staff believes the dumpster building and the proposed addition respect the historic scale, module size, building height, materials, and architectural details of other historic buildings within the district.

**Point Analysis (Section: 9-1-17-3):** Staff has found that this application passes all absolute policies of the Development Code and has not incurred any negative points under any relative policies. The

proposal has been awarded positive two (+2) points under Policy 15/R, Refuse for providing a shared dumpster and recycling facility for the businesses abutting this alley. The Point Analysis shows a passing score of positive two (+2) points.

**Staff Recommendation / Decision**

This is a Town Project pursuant to the ordinance amending the Town Projects Process (Council Bill No. 1, Series 2013). As a result, the Planning Commission is asked to identify any concerns with this project, and any code issues. In addition, the Commission is asked to make a recommendation to the Town Council, as follows:.

The Planning Department recommends approval of the Point Analysis for the Barney Ford Dumpster Expansion (Town Project; PL-2015-0226).

The Planning Department recommends approval of the Barney Ford Dumpster Expansion (Town Project; PL-2015-0226).

<b>Final Hearing Impact Analysis</b>				
Project:	The Barney Ford Dumpster Expansion	<b>Positive Points</b>	<b>+2</b>	
PL#	PL-2015-0226			
Date:	7/15/2015	<b>Negative Points</b>	<b>0</b>	
Staff:	Michael Mosher, Planner III			
		<b>Total Allocation:</b>	<b>+2</b>	
Items left blank are either not applicable or have no comment				
Sect.	Policy	Range	Points	Comments
1/A	<b>Codes, Correlative Documents &amp; Plat Notes</b>	Complies		
2/A	<b>Land Use Guidelines</b>	Complies		
2/R	Land Use Guidelines - Uses	4x(-3/+2)		Per LUD 18-2, With conversions of historically residential structures to commercial uses, as well as new construction, it will serve as an expansion of the commercial core in the future.
2/R	Land Use Guidelines - Relationship To Other Districts	2x(-2/0)		
2/R	Land Use Guidelines - Nuisances	3x(-2/0)		
3/A	<b>Density/Intensity</b>	Complies		
3/R	Density/ Intensity Guidelines	5x (-2>-20)		Allowed under LUGs: 9,985sq. ft. Proposed density: 6,333 sq. ft.
4/R	Mass	5x (-2>-20)		Allowed under LUGs: 9,985 sq. ft. Proposed mass: 6,333 sq. ft.
5/A	<b>Architectural Compatibility / (Historic Above Ground Density)</b>	Complies		
5/R	Architectural Compatibility - Aesthetics	3x(-2/+2)		
5/R	Architectural Compatibility / Conservation District	5x(-5/0)		
5/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
5/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
6/A	<b>Building Height</b>	Complies		
6/R	Relative Building Height - General Provisions	1X(-2,+2)		
	For all structures except Single Family and Duplex Units outside the Historic District			
6/R	Building Height Inside H.D. - 23 feet	(-1>-3)		
6/R	Building Height Inside H.D. - 25 feet	(-1>-5)		
6/R	Building Height Outside H.D. / Stories	(-5>-20)		
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
	For all Single Family and Duplex Units outside the Conservation District			
6/R	Density in roof structure	1x(+1/-1)		
6/R	Broken, interesting roof forms that step down at the edges	1x(+1/-1)		
6/R	Minimum pitch of eight in twelve (8:12)	1x(0/+1)		
7/R	Site and Environmental Design - General Provisions	2X(-2/+2)		
7/R	Site and Environmental Design / Site Design and Grading	2X(-2/+2)		
7/R	Site and Environmental Design / Site Buffering	4X(-2/+2)		
7/R	Site and Environmental Design / Retaining Walls	2X(-2/+2)		
7/R	Site and Environmental Design / Driveways and Site Circulation Systems	4X(-2/+2)		
7/R	Site and Environmental Design / Site Privacy	2X(-1/+1)		
7/R	Site and Environmental Design / Wetlands	2X(0/+2)		
7/R	Site and Environmental Design / Significant Natural Features	2X(-2/+2)		
8/A	<b>Ridgeline and Hillside Development</b>	Complies		
9/A	<b>Placement of Structures</b>	Complies		
9/R	Placement of Structures - Public Safety	2x(-2/+2)		
9/R	Placement of Structures - Adverse Effects	3x(-2/0)		
9/R	Placement of Structures - Public Snow Storage	4x(-2/0)		
9/R	Placement of Structures - Setbacks	3x(0/-3)		As a commercial use, the setbacks are allowed to go to zero. The existing setbacks for the existing dumpster are at 1-foot. The theater has an existing setback of 3-feet and the addition is 8-feet off the south property line. Staff has no concerns.
12/A	Signs	Complies		
13/A	<b>Snow Removal/Storage</b>	Complies		
13/R	Snow Removal/Storage - Snow Storage Area	4x(-2/+2)		
14/A	<b>Storage</b>	Complies		
14/R	Storage	2x(-2/0)		

15/A	<b>Refuse</b>	Complies		
15/R	Refuse - Dumpster enclosure incorporated in principal structure	1x(+1)		
15/R	Refuse - Rehabilitated historic shed as trash enclosure	1x(+2)		
15/R	Refuse - Dumpster sharing with neighboring property (on site)	1x(+2)	+2	This dumpster is shared with all of the adjacent business owners along this block of Main Street and Ridge Street.
16/A	<b>Internal Circulation</b>	Complies		
16/R	Internal Circulation / Accessibility	3x(-2/+2)		
16/R	Internal Circulation - Drive Through Operations	3x(-2/0)		
17/A	<b>External Circulation</b>	Complies		
18/A	<b>Parking</b>	Complies		
18/R	Parking - General Requirements	1x(-2/+2)		
18/R	Parking-Public View/Usage	2x(-2/+2)		
18/R	Parking - Joint Parking Facilities	1x(+1)		
18/R	Parking - Common Driveways	1x(+1)		
18/R	Parking - Downtown Service Area	2x(-2+2)		
19/A	<b>Loading</b>	Complies		
20/R	Recreation Facilities	3x(-2/+2)		
21/R	Open Space - Private Open Space	3x(-2/+2)		
21/R	Open Space - Public Open Space	3x(0/+2)		
22/A	<b>Landscaping</b>	Complies		
22/R	Landscaping	2x(-1/+3)		As a commercial use, the landscaping is not substantial. There are plantings adjacent to the Ridge Street Entry and along the walkway between the theater and the Arts District. The plans show 6-Aspen (2-3-inch caliper), 8-potentilla and 8-Peking Cotoneaster (5-gal.).
24/A	<b>Social Community</b>	Complies		The recommended above ground density in this Character Area on this lot is 3,301 square feet or 9 Units per Acre (UPA). The existing building at 4,012 square feet is at 10.94 UPA and is non-conforming. The above ground density for the building with the addition is 6,333 square feet or 17.27 UPA and will increase the nonconformity.
24/A	Social Community / Above Ground Density 12 UPA	(-3>-18)		
24/A	Social Community / Above Ground Density 10 UPA	(-3>-6)		The proposed density increases the nonconforming density and fails the absolute limit of 10 UPA under Policy 24/A but, as a public use building along a block that was, and still is, primarily commercial use.
24/R	Social Community - Employee Housing	1x(-10/+10)		
24/R	Social Community - Community Need	3x(0/+2)		
24/R	Social Community - Social Services	4x(-2/+2)		
24/R	Social Community - Meeting and Conference Rooms	3x(0/+2)		
24/R	Architectural Compatibility / Conservation District	5x(-5/0)		
24/R	Architectural Compatibility H.D. / Above Ground Density 12 UPA	(-3>-18)		
24/R	Architectural Compatibility H.D. / Above Ground Density 10 UPA	(-3>-6)		
24/R	Social Community - Historic Preservation	3x(0/+5)		
24/R	Social Community - Historic Preservation/Restoration - Benefit	+3/6/9/12/15		
25/R	Transit	4x(-2/+2)		
26/A	<b>Infrastructure</b>	Complies		
26/R	Infrastructure - Capital Improvements	4x(-2/+2)		
27/A	<b>Drainage</b>	Complies		
27/R	Drainage - Municipal Drainage System	3x(0/+2)		
28/A	<b>Utilities - Power lines</b>	Complies		
29/A	<b>Construction Activities</b>	Complies		
30/A	<b>Air Quality</b>	Complies		
30/R	Air Quality - wood-burning appliance in restaurant/bar	-2		
30/R	Beyond the provisions of Policy 30/A	2x(0/+2)		
31/A	<b>Water Quality</b>	Complies		
31/R	Water Quality - Water Criteria	3x(0/+2)		
32/A	<b>Water Conservation</b>	Complies		
33/R	Energy Conservation - Renewable Energy Sources	3x(0/+2)		

33/R	Energy Conservation - Energy Conservation	3x(-2/+2)		All of the paved areas, except the loading area off the alley, are to be snow-melted. Normally, this amount of snow melting would incur negative three Points. As a Town owned public building, Staff believes that the snow melt is required for the health, safety and welfare of the general public we are not suggesting any negative points.
	HERS index for Residential Buildings			
33/R	Obtaining a HERS index	+1		
33/R	HERS rating = 61-80	+2		
33/R	HERS rating = 41-60	+3		
33/R	HERS rating = 19-40	+4		
33/R	HERS rating = 1-20	+5		
33/R	HERS rating = 0	+6		
	Commercial Buildings - % energy saved beyond the IECC minimum standards			
33/R	Savings of 10%-19%	+1		
33/R	Savings of 20%-29%	+3		
33/R	Savings of 30%-39%	+4		
33/R	Savings of 40%-49%	+5		
33/R	Savings of 50%-59%	+6		
33/R	Savings of 60%-69%	+7		
33/R	Savings of 70%-79%	+8		
33/R	Savings of 80% +	+9		
33/R	Heated driveway, sidewalk, plaza, etc.	1X(-3/0)		
33/R	Outdoor commercial or common space residential gas fireplace (per fireplace)	1X(-1/0)		
33/R	Large Outdoor Water Feature	1X(-1/0)		
	Other Design Feature	1X(-2/+2)		
34/A	<b>Hazardous Conditions</b>	Complies		
34/R	Hazardous Conditions - Floodway Improvements	3x(0/+2)		
35/A	<b>Subdivision</b>	Complies		
36/A	<b>Temporary Structures</b>	Complies		
37/A	<b>Special Areas</b>	Complies		
37/R	Community Entrance	4x(-2/0)		
37/R	Individual Sites	3x(-2/+2)		
37/R	Blue River	2x(0/+2)		
37R	Cucumber Gulch/Setbacks	2x(0/+2)		
37R	Cucumber Gulch/Impervious Surfaces	1x(0/-2)		
38/A	<b>Home Occupation</b>	Complies		
39/A	<b>Master Plan</b>	Complies		
40/A	<b>Chalet House</b>	Complies		
41/A	<b>Satellite Earth Station Antennas</b>	Complies		
42/A	<b>Exterior Loudspeakers</b>	Complies		
43/A	<b>Public Art</b>	Complies		
43/R	Public Art	1x(0/+1)		
44/A	<b>Radio Broadcasts</b>	Complies		
45/A	<b>Special Commercial Events</b>	Complies		
46/A	<b>Exterior Lighting</b>	Complies		
47/A	<b>Fences, Gates And Gateway Entrance Monuments</b>	Complies		
48/A	<b>Voluntary Defensible Space</b>	Complies		
49/A	<b>Vendor Carts</b>	Complies		

## TOWN OF BRECKENRIDGE

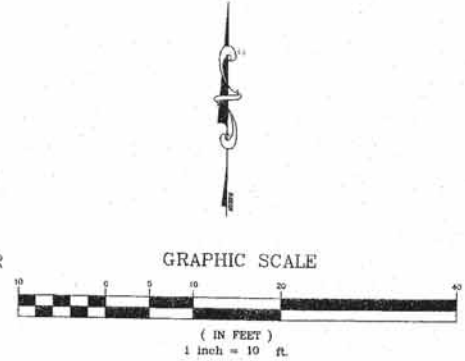
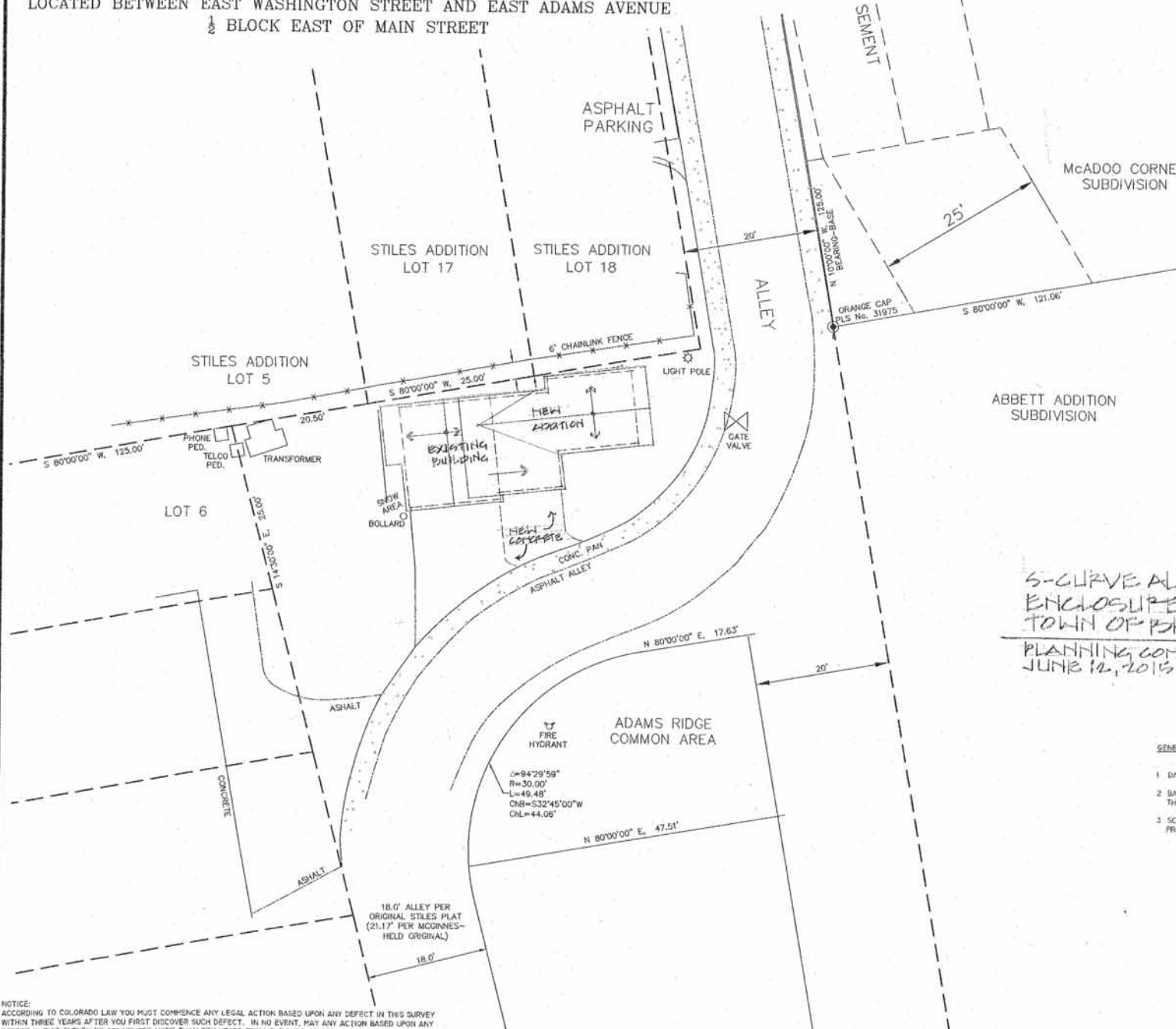
**The Barney Ford Dumpster Expansion  
property conveyed to the Town per special warranty deed #242772  
dated 07/26/1982 from Great Western Land & Cattle Co.  
216.5 South Main Street  
PERMIT PL-2015-0226**

### FINDINGS

1. This project is “Town Project” as defined in Section 9-4-1 of the Breckenridge Town Code because it involves the planning and design of a public project.
2. The process for the review and approval of a Town Project as described in Section 9-14-4 of the Breckenridge Town Code was followed in connection with the approval of this Town Project.
3. The Planning Commission reviewed and considered this Town Project on July 21 2015. In connection with its review of this Town Project, the Planning Commission scheduled and held a public hearing on July 21, 2015, notice of which was published on the Town’s website for at least five (5) days prior to the hearing as required by Section 9-14-4(2) of the Breckenridge Town Code. At the conclusion of its public hearing, the Planning Commission recommended approval of this Town Project to the Town Council.
4. The Town Council’s final decision with respect to this Town Project was made at the regular meeting of the Town Council that was held on July 28, 2015. This Town Project was listed on the Town Council’s agenda for the July 28, 2015 agenda that was posted in advance of the meeting on the Town’s website. Before making its final decision with respect to this Town Project, the Town Council accepted and considered any public comment that was offered.
5. Before approving this Town Project the Town Council received from the Director of the Department of Community Development, and gave due consideration to, a point analysis for the Town Project in the same manner as a point analysis is prepared for a final hearing on a Class A development permit application under the Town’s Development Code (Chapter 1 of Title 9 of the Breckenridge Town Code).
6. The Town Council finds and determines that the Town Project is necessary or advisable for the public good, and that the Town Project shall be undertaken by the Town.

EXHIBIT  
ALLEY, TOWN OF BRECKENRIDGE

LOCATED BETWEEN EAST WASHINGTON STREET AND EAST ADAMS AVENUE  
 1/2 BLOCK EAST OF MAIN STREET



S-CURVE ALLEY DUMPSTER-  
 ENCLOSURE ADDITION  
 TOWN OF BRECKENRIDGE  
 PLANNING COMMISSION SUBMITTAL  
 JUNE 12, 2015

GENERAL NOTES

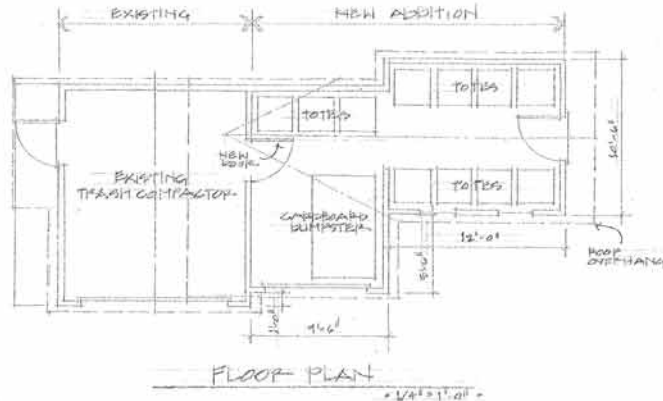
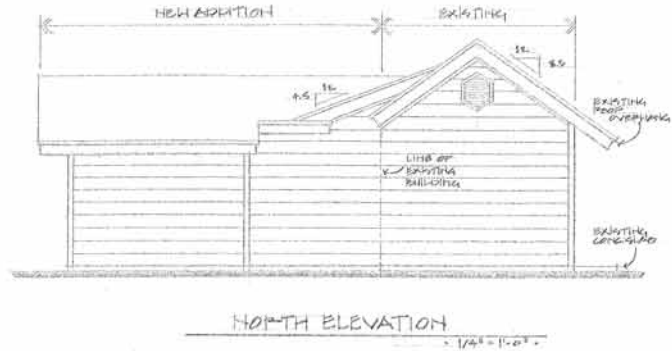
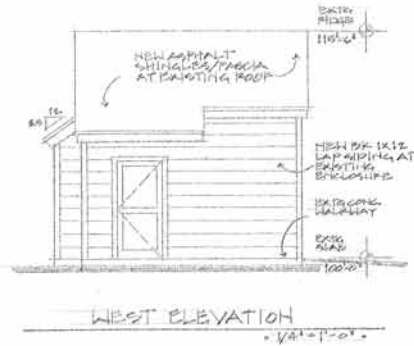
1. DATE OF SURVEY: MARCH 19, 2015.
2. BASIS OF BEARINGS: THE TWO REBAR & CAP MONUMENTS (PLS No. 3945) FOUND ALONG THE WESTERN BOUNDARY OF MCADOO SUBDIVISION BEING N 80°00'00" W.
3. SCHMIDT LAND SURVEYING, INC. DID NOT PERFORM A TITLE SEARCH OF THE SUBJECT PROPERTY TO ESTABLISH OWNERSHIP, EASEMENTS OR RIGHTS-OF-WAY OF RECORD.

NOTICE:  
 ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF CERTIFICATION SHOWN HEREON.

Drawn EKS	Dwg 1568 EXHIBIT.DWG	Project 1567
Date 3/25/15	Scale 1" = 10'	Sheet 1 of 1

**SCHMIDT**  
 LAND SURVEYING, INC.  
 P.O. Box 5761  
 FRISCO, CO 80443 970-409-9963





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**NEELY ARCHITECTURE**  
 J. LEE NEELY, ARCHITECT  
 P.O. Box 3647  
 1702 Airport Road, Unit 5  
 Breckenridge, Colorado 80424  
 970-547-0554  
 Fax: 970-547-0554  
 jneely@neelyarch.com

S-CURVE ALLEY BUMPER  
 ENCLOSURE ADDITION  
 TOWN OF BRECKENRIDGE

Job # 22171  
 Date 6/12/15  
 PLANING  
 SUBMITTAL

A!

RECEIVED  
 JUN 15 2015  
 TOWN OF BRECKENRIDGE  
 PLANNING DEPT.

**S-Curve Alley Dumpster Enclosure  
Breckenridge, Colorado**

**Siding – Horizontal  
Messmer’s Oxford Brown**



**Siding - Vertical  
Messmer’s Oak Brown**



**Fascia @ Horizontal Siding  
Messmer’s Oak Brown**



**Fascia @ Vertical Siding  
Messmer’s Oxford Brown**



**Asphalt Shingle Roofing  
Timberline Hickory**



**Metal Roofing  
Rust Corrugated**



**Window Cladding  
Brown**





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## MEMORANDUM

**TO:** Planning Commission  
**FROM:** Julia Puester, Senior Planner  
**DATE:** July 2, 2015 (for meeting of July 21, 2015)  
**SUBJECT:** Approved Class C Subdivision Quarterly Report (Q2-2015)

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Section 9-2-3-3 of the Breckenridge Subdivision Code authorizes the Director to review and approve Class C subdivisions administratively without Planning Commission review. *“Administrative Review: The processing of a class C subdivision application shall be an administrative review conducted by the director. No public hearing shall be required”.* (Section 9-2-3-3 B)

Class C Subdivisions are defined as follows:

*“CLASS C SUBDIVISION: A subdivision of structure(s) into separate units of interest, including, but not limited to, condominiums, timeshare interests, cooperatives, townhouses, footprint lots in conjunction with an approved master plan, and duplexes when done in accordance with a previously approved subdivision plan, site plan, development permit or site specific development plan; the modification or deletion of existing property lines resulting in the creation of no additional lots (lot line adjustment); an amendment to a subdivision plat or plan which does not result in the creation of any new lots, tracts or parcels; or the platting or modification of easements, building envelopes or site disturbance envelopes. A class C subdivision application may be reclassified by the director as either a class A or class B subdivision application within five (5) days following the submission of the completed application if the director determines that the application involves issues which make it inappropriate for the application to be processed administratively as a class C application”.*

The Subdivision Code indicates that the decision of the Director on Class C Subdivisions shall be forwarded to the Planning Commission:

*“D4. Decision Forwarded to Planning Commission: All of the director's decisions on class C subdivision applications which are not appealed shall be forwarded to the planning commission for its information only”.*

As a result, we have included a list of the Class C Subdivisions that have been approved since you were last updated in April of 2015. If you have any questions about these applications, or the review process, we would be happy to answer. Otherwise, no discussion on this matter is required.



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Permit #	Project Name	Address	Description	Approval Date	Planner
PL-2015-0072	Parkway Center Parcels B & C	504-508 Airport Road	Vacate easements on and lot line between two parcels.	04/17/2015	Matt
PL-2015-0167	Cottages at Shock Hill Lot 13	117 Regent Drive	Create footprint lot.	06/15/2015	Mosh





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## MEMORANDUM

**TO:** Planning Commission

**FROM:** Julia Puester, Senior Planner

**DATE:** July 2, 2015 (for meeting of July 21, 2015)

**SUBJECT:** Approved Class D Major Single Family Homes Quarterly Report (Q2-2015)

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Effective January 1, 2014, Section 9-1-18-4-1 of the Breckenridge Development Code authorized the Director to review and approve Class D Major applications for single family or duplex structures outside of the Conservation District administratively without Planning Commission review. For an application to be classified as a Class D Major development permit, the property must have a platted building or disturbance envelope and warrant no negative points under Section 9-1-19 *Development Policies*. Staff regularly reports recently approved Class D Major development permits to the Planning Commission. This is the fourth report to the Commission since the ordinance became effective.

As a result, we have included a list of the Class D Major development permits that have been approved since we last reported to you in April of 2015. If you have any questions about these applications, the reporting, or the review process, we would be happy to answer. Otherwise, no discussion on this matter is required.

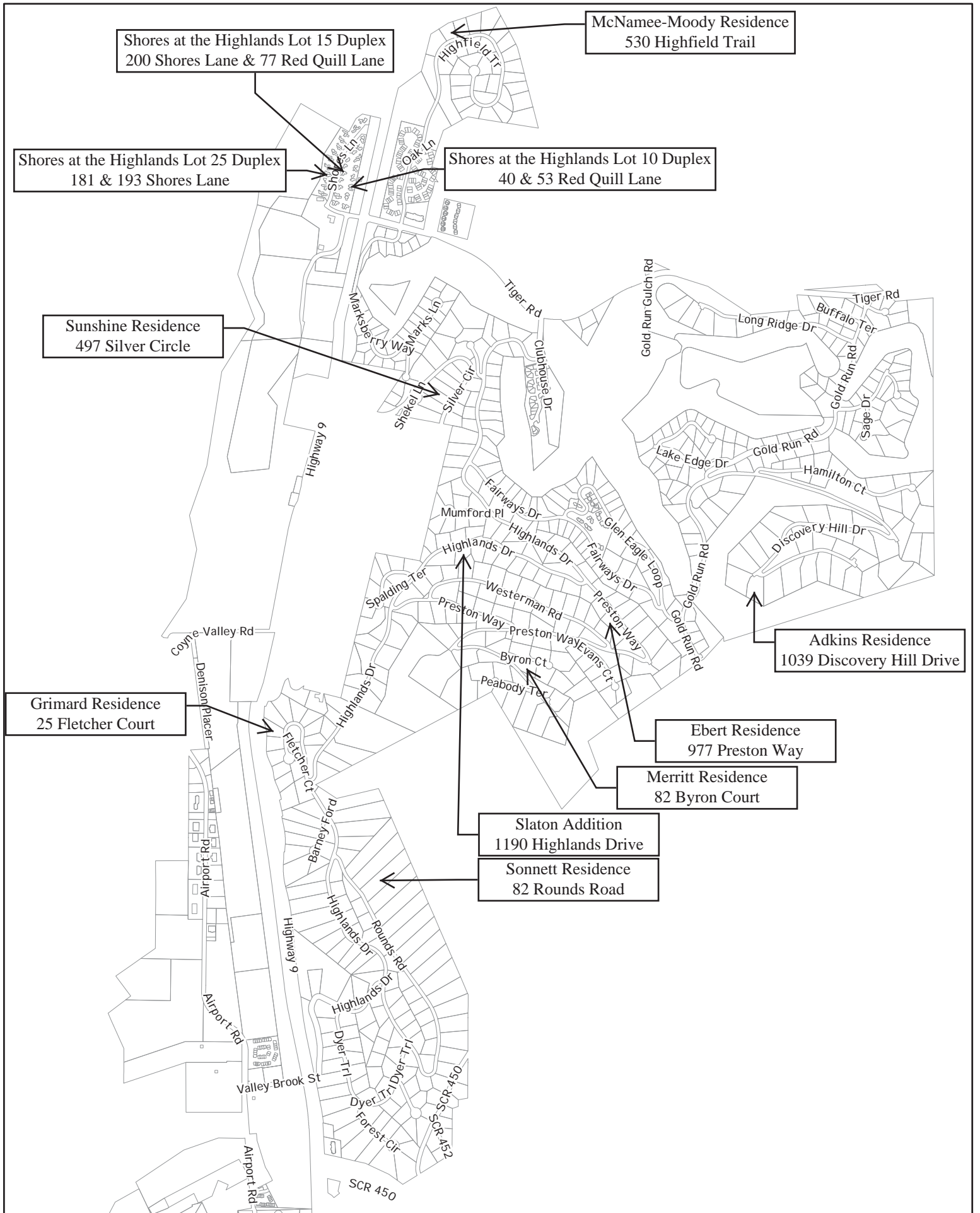


Permit #	Address	Project Name	Description	Approval Date	Planner
PL-2015-0046	1190 Highlands Dr	Slaton Addition	Construct a 387 sq. ft. addition to and custom gazebo for existing SFR	4/1/15	Matt Thompson
PL-2015-0061	82 Byron Ct	Merritt Residence	New SFR (6 BR, 6.5 BA, 5,800 sq. ft. density, 6,706 sq. ft. mass, FAR 1:8.85)	4/7/15	Matt Thompson
PL-2015-0060	82 Rounds Rd	Sonnett Residence	New SFR (6 BR, 4.5 BA, 6,334 sq. ft. density, 7,374 sq. ft. mass, FAR 1:24.37)	4/8/15	Matt Thompson
PL-2015-0049	977 Preston Way	Ebert Residence	New SFR (4 BR, 4.5 BA, 3,763 sq. ft. density, 4,663 sq. ft. mass, FAR 1:9.81)	4/9/15	Shane Greenburg
PL-2015-0048	40 & 56 Red Quill Ln	Shores Lot 10 Duplex	New SFR (6 BR, 6.5 BA, 5,800 sq. ft. density, 6,706 sq. ft. mass, FAR 1:8.85)	4/15/15	Michael Mosher
PL-2015-0078	200 Shores Ln & 77 Red Quill Ln	Shores Lot 15 Duplex	New duplex (8 BR, 7BA, 4,999 sq. ft. density, 6,077 sq. ft. mass)	4/15/15	Michael Mosher
PL-2015-0071	16 Luisa Dr	Columbia Lode Lot 24	New SFR (4 BR, 4.5 BA, 3,199 sq. ft. density, 3,811 sq. ft. mass)	4/21/15	Michael Mosher
PL-2015-0070	34 Luisa Dr	Columbia Lode Lot 21	New SFR (3 BR, 3.5 BA, 2,324 sq. ft. density, 2,956 sq. ft. mass)	4/23/15	Michael Mosher
PL-2015-0069	497 Silver Cir	Sunshine Residence	New SFR (3 BR, 3.5 BA, 3,969 sq. ft. density, 4,869 sq. ft. mass, FAR 1:12.43)	4/23/15	Shane Greenburg
PL-2015-0079	530 Highfield Tr	McNamee-Moody Residence	New SFR (3 BR, 3.5 BA, 2,768 sq. ft. density, 3,562 sq. ft. mass, FAR 1:15.88)	5/1/15	Matt Thompson
PL-2015-0118	25 Fletcher Ct	Grimard Residence	New SFR (4 BR, 3.5 BA, 2,731 sq. ft. density, 3,463 sq. ft. mass, FAR 1:13.46)	5/5/15	Shane Greenburg
PL-2015-0107	239 Silver Queen Dr	Peak Ten Bluffs Lot 5	New cluster single family (3 BR, 3.5 BA, 3,658 sq. ft. density, 4,246 sq. ft. mass, FAR 1:1.32)	5/5/15	Shane Greenburg



Permit #	Address	Project Name	Description	Approval Date	Planner
PL-2015-0114	99 Victory Ln	Gardella Residence	New SFR (4 BR, 4 BA, 2,694 sq. ft. density, 3,198 sq. ft. mass, FAR 1:5.49)	5/13/15	Shane Greenburg
PL-2015-0108	524 Corkscrew Dr	Corkscrew Flats, Lot 31	New SFR (4 BR, 5 BA, 3,681 sq. ft. density, 4,485 sq. ft. mass, FAR 1:4.50)	5/19/15	Matt Thompson
PL-2015-0098	472 Corkscrew Dr	Corkscrew Flats, Lot 29	New SFR (4 BR, 4.5 BA, 3,003 sq. ft. density, 3,599 sq. ft. mass, FAR 1:5.08)	5/26/15	Shane Greenburg
PL-2015-0097	496 Corkscrew Dr	Corkscrew Flats, Lot 30 (New Design)	New SFR (4 BR, 3.5 BA, 3,156 sq. ft. density, 3,821 sq. ft. mass, FAR 1:5.02)	5/26/15	Shane Greenburg
PL-2015-0125	1039 Discovery Hill Dr	Adkins Residence	New SFR (5 BR, 5 BA, 5,084 sq. ft. density, 5,948 sq. ft. mass, FAR 1:14.26)	6/2/15	Matt Thompson
PL-2015-0209	25 Meadows Ln	Hegemann Residence	New SFR (5 BR, 5.5 BA, 4,798 sq. ft. density, 5,427 sq. ft. mass, FAR 1:4.69)	6/26/15	Matt Thompson
PL-2015-0203	568 Corkscrew Drive	Corkscrew Flats, Lot 33	New SFR (5 BR, 5.5 BA, 3,865 sq. ft. density, 4,492 sq. ft. mass, FAR 1:5.77)	6/29/15	Michael Mosher
PL-2015-0088	181 & 193 Shores Lane	Shores Lot 25 Duplex	New duplex (6 BR, 7 BA, 4,998 sq. ft. density, 6,048 sq. ft. mass)	6/29/15	Michael Mosher
PL-2015-0216	6 Madeline Green	Remeikis Garage	New garage (576 sq. ft. mass)	6/29/15	Michael Mosher





Shores at the Highlands Lot 15 Duplex  
200 Shores Lane & 77 Red Quill Lane

McNamee-Moody Residence  
530 Highfield Trail

Shores at the Highlands Lot 25 Duplex  
181 & 193 Shores Lane

Shores at the Highlands Lot 10 Duplex  
40 & 53 Red Quill Lane

Sunshine Residence  
497 Silver Circle

Grimard Residence  
25 Fletcher Court

Adkins Residence  
1039 Discovery Hill Drive

Ebert Residence  
977 Preston Way

Merritt Residence  
82 Byron Court

Slaton Addition  
1190 Highlands Drive

Sonnett Residence  
82 Rounds Road



Town of Breckenridge and Summit County governments  
assume no responsibility for the accuracy of the data, and  
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### Breckenridge North

Corkscrew Flats Lot 33  
568 Corkscrew Drive

Columbia Lode Lot 21  
34 Luisa Drive

Columbia Lode Lot 24  
16 Luisa Drive

Corkscrew Flats Lot 31  
524 Corkscrew Drive

Corkscrew Flats Lot 30  
496 Corkscrew Drive

Remeikis Garage  
6 Madeline Green

Corkscrew Flats Lot 29  
472 Corkscrew Drive

Hegemann Residence  
25 Meadows Ln

Gardella Residence  
99 Victory Lane

Peak Ten Bluffs Lot 5  
239 Silver Queen Drive

0  
Not to Scale

# Breckenridge South

Town of Breckenridge and Summit County governments  
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