REGULAR PLANNING COMMISSION MEETING
MORRISON TOWN HALL
110 STONE STREET
TUESDAY, DECEMBER 13, 2016
7:00 P.M. – 9:00 P.M.

(NOTE: ALL AGENDA ITEMS ARE ELIGIBLE FOR DISCUSSION AND POSSIBLE VOTE BY THE PLANNING COMMISSION)

1. CALL TO ORDER

2. ROLL CALL

3. AMENDMENTS TO THE AGENDA

4. PRESENTATIONS AND HEARINGS
   a) Public Hearing – Forey's LoMo Estates

5. GENERAL BUSINESS
   a) Downtown Historic Designation Guideline Discussion
   b) C470/Alameda Rezoning

6. APPROVALS
   a) Minutes October 11, 2016

7. STAFF REPORTS
   a) Planner
   b) Town Administrator

8. BOARD OF TRUSTEE MINUTES November 1, 2016

9. ADJOURNMENT

Reasonable accommodation will be provided upon requests for persons with disabilities. If you require any special accommodation in order to attend a Planning Commission meeting, please call the Town Clerk at 303-697-8749.
Next Regular Planning Commission meeting is Tuesday, January 10, 2017 at 7:00 P.M.

4A

TOWN OF MORRISON

321 HIGHWAY 8 • MORRISON, CO 80465 • PHONE: (303) 697-8749
FAX: (303) 697-8752

STAFF REPORT

To:	Planning Commission
From:	Stephanie Stevens, Town Planner
Cc:	Gerald Dahl, Town Attorney Kara Zabilansky, Town Administrator
Public Hearing Date and Location:	December 13, 2016, 7:00 pm, Town Hall 110 Stone Street, Morrison, Colorado
Applicant/Property Owner:	Sean and Celeste Forey 201 Mill Street Morrison, CO 80465
Subject:	Preliminary & Final Plat Subdivision Request Forey's Lo-Mo Estates Subdivision
Location of Request:	308 Spring Street Morrison, Colorado 80465

EXECUTIVE SUMMARY:

The applicants, Sean and Celeste Forey, are requesting approval of a Preliminary and Final Subdivision Plat to subdivide a 1.028-acre metes and bounds parcel located at 308, 310 and 312 Spring Street (including proposed addresses 304 and 306 Spring Street) into five lots. Access is provided across the lots from the Spring Street right-of-way. The property currently contains three residential homes and a garage structure with three water and sanitary sewer service lines. The property is non-conforming with current zoning standards for R-1 Low Density Residential zoning, which is the zoning that was designated to this area with the adoption of the original zoning ordinance for the Town.

The applicant is proposing to subdivide the metes and bounds parcel into five lots, and the lots that have existing houses as well as water and sewer services are now proposed as separate zone lots. The applicants recently annexed additional area to the southeast, to assist with meeting current standards for density and minimum lot area per dwelling unit. Due to the current layout of the existing residential structures, lot dimensional standards and setbacks are difficult to achieve. As such, the applicants have obtained zoning and subdivision variance approval in order to bring the lots to conforming, legal status under the existing Municipal Code. On October 10, 2016 the

Morrison Board of Adjustment met to consider variances to the side, front and rear setbacks as well as lot width for two of the lots. These variances were approved unanimously. On November 1, 2016 the Morrison Board of Trustees met to consider variances to lot depth dimensional standards, which were also approved unanimously.

The applicant is also requesting a waiver of supporting documents based on the scale of the project and built environment. The Land Development Review Committee (LDRC) with concurrence of the Planning Commission may waive submittal requirements for an application for Subdivision Approval.

LOCATION:
The subject property is located approximately 225 feet east of the 2nd Street and Spring Street intersection (south side), designated as 308, 310 and 312 Spring Street (including proposed addresses 304 and 306 Spring Street).

SURROUNDING LAND USES:

NORTH:	Single-family residential
SOUTH:	Jefferson County Bear Creek Development/Mt. Glennon
EAST:	Jefferson County Bear Creek Development/Mt. Glennon
WEST:	Single-family residential

PUBLIC NOTICING:
The proposed subdivision plat was publicly noticed in accordance with the public notification requirements outlined in the *Town of Morrison Subdivision Regulations*.

SUBDIVISION STANDARDS:
In reaching a decision as to whether or not the subdivision application as submitted should be approved, approved with conditions or denied, the Planning Commission shall be guided in its decision by the following standards. The Commission shall show in its records that each was considered where applicable, and it shall make findings in regard to those of the following standards which it finds to be applicable:

1. Submittal Requirements (Article II, Section 2.2.F and Section 3.2.G)

As required by code, the preliminary and final plat subdivision checklist is provided for the purview of the Planning Commission in Exhibit E. As shown, supporting documents are required to accompany preliminary and final plat applications, including:

A. Preliminary engineering drawings
B. Agreements with ditch companies, if applicable
C. Recorded deed
D. Title Report (dated no more than 2 weeks prior to date of submittal)
E. Final reports, if deemed necessary by the Planning Commission
    i. Final traffic study
    ii. Final drainage report
    iii. Final utility report
    iv. Final water supply report and system plan
    v. Final sewage disposal system report and system plan
    vi. Final geologic and soils report

vii. Final grading and erosion control plan
viii. Final sensory impact report
ix. Final wildlife, vegetation and landscaping plan
x. Final historical, archaeological and paleontological plan

Staff Finding: The applicant is requesting a waiver of supporting documents (preliminary engineering drawings, agreements with ditch companies, and final reports) based on the scale of the project and built environment. Detailed justification can be found in the attached Letter of Intent (See Exhibit B). Pursuant to Article III, Section 2 of the Subdivision Regulations, waivers of submittal requirements may be granted by the LDRC upon finding that the particular requirements are not necessary for consideration of the approval request. The LDRC may approve waivers but the approval must receive concurrence of the Planning Commission. The LDRC finds the supporting documents unnecessary for review because the existing structures on the property are proposed to remain unchanged, with the exception of the vacant Lot 1 which will have minimal impacts. Staff has added a condition of approval to require a historical, archaeological, and paleontological plan prior to issuance of a building permit on Lot 1 to ensure the protection of valuable resources is provided.

Additionally, the Title Commitment that was provided by the applicant is outdated and does not include the portion of the property that was recently annexed into the Town in 2016. The purpose of requiring a Title Report with subdivision applications is to confirm ownership and any covenants which may exist on a property. Proof of Ownership was provided in the form of deed and an Ownership & Encumbrances Report. Since it is difficult and costly to obtain a Title Commitment for properties that have not been legally subdivided, the LDRC found the Ownership and Encumbrances report to be sufficient to meet Title Report requirements with the initial submittal, but concerns regarding potential easements were raised during the development review process. Therefore, staff has requested a note be placed on the plat to read: "No lot hereby created may be conveyed unless and until all easements required to be dedicated to the Town of Morrison have been conveyed free from encumbrance." Staff has added a condition of approval to allow the resolution of technical corrections, including said requested plat note, prior to plat recording. This note will ensure easements are dedicated prior to sale of lots, address comments received from the public service companies and necessitate a Title Commitment to validate any existing easements.

2. Public Land Dedication (Article IV)

In order to provide for schools, parks, open space and other public facilities necessary to serve the residents and employees of new development, the Town of Morrison may require land dedication for these purposes in any new subdivision or resubdivision. The amount of land to be dedicated for public purposes for residential development shall be not less than 15% of the land area of the tract being subdivided. The amount of land on which the dedication shall be exclusive of public rights-of-way for public streets, drainage easements, and utility easements. The Planning Commission may determine that dedication of land would not be in the best interests of the Town of Morrison or the eligible agencies that may be the recipients of land dedication. In those cases the Planning Commission may require payment in lieu of the land dedication.

Staff Finding: Public land dedication was not addressed with the initial application because input from public service companies and a thorough staff review of the proposal was needed in order to define potential dedications on the land. During the review process, engineering staff identified the

need for a drainage easement along Strain Gulch, public service companies identified existing utilities that will necessitate utility easements, and it was communicated to staff that the recently annexed portion of the property located in the southeastern portion of the site is an "unbuildable tract" requiring dedication. As outlined above, staff has requested a note be placed on the plat to read: "No lot hereby created may be conveyed unless and until all easements required to be dedicated to the Town of Morrison have been conveyed free from encumbrance." Staff has added a condition of approval to allow the resolution of technical corrections, including said requested plat note, prior to plat recording. This note will ensure easements are dedicated prior to sale of lots, address comments received from the public service companies and necessitate a Title Commitment to validate any existing easements. If said dedications do not amount to 15% of the land, payment in lieu shall be required to make up the difference. Staff has added a condition of approval to ensure land dedication is provided prior to plat recording.

3. Drainage Areas (Appendix A, Section 3.B)
Any land subject to flooding by the one hundred (100) year flood, defined within the Town of Morrison Flood Plain Ordinance, shall be delineated on the plat and development shall be prohibited within the floodplain unless adequate provisions are made to eliminate or control flood hazards as they apply to the area being developed and the general vicinity.

Staff Finding: The site is partially within the FEMA floodplain. The structures shown on the plat are in Zone X, an area determined to be outside the 0.2% annual chance of flood. A portion of Strain Gulch is in Zone AE, an area determined to be within the 100-year flood plain and has been delineated on the plat pursuant to Appendix A, Section 3.B of the Municipal Code. A note has been added to the plat indicating the floodplain area. For clarity, staff has requested an additional note to be placed on the plat to explicitly prohibit development in the floodplain unless adequate provisions are made to eliminate or control flood hazards as they apply to the area being developed and the general vicinity. Staff has added a condition of approval to allow the resolution of technical corrections prior to plat recording.

4. Natural Contours (Appendix A, Section 3.D)
In all subdivision design, the natural contours of land should be preserved whenever feasible.

Staff Finding: The layout of the lots was designed primarily based on the topography of the site which includes unique challenges such as the Strain Gulch, designated floodplain areas, an "unbuildable tract", and steep slopes stemming from the Mt. Glennon Hogback. The layout was determined based on the existing buildable areas and locations of existing structures, and little to no grading will occur with the exception of the vacant Lot 1. Further, staff finds that natural contours will be preserved in accordance with the Town Code.

5. Access (Appendix A, Section 3.E and Section 5.D)
Adequate vehicular and pedestrian access shall be provided to all parcels. Each lot shall have vehicular access to a public street.

Staff Finding: Access is provided across all lots from the Spring Street right-of-way.

6. Lots (Appendix A, Section 5.F,G,H)

The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the zoning, type of development, and use contemplated. Side lot lines shall be substantially at right angles or radial to street lines. The maximum depth of all residential lots shall not exceed two and one-half times the width thereof.

Staff Finding: The lots were designed to provide designated lots for each structure already contained therein. The property is zoned R-1 Low Density Residential and by acquiring property in the southeast portion of the site, this allowed for the additional area needed to meet density standards for R-1 zoning which allows for one dwelling unit per 7,500 square feet of lot area. While the shape of the lots is not ideal, staff is cognizant of the unique topography and conditions of the site and finds the proposal to be adequate in meeting lot standards. The existing use of the property is primarily residential and fits with the context of the surrounding low density residential neighborhood. On October 10, 2016 the Morrison Board of Adjustment met to consider variances to the side, front and rear setbacks as well as lot width for two of the lots. These variances were approved unanimously. On November 1, 2016 the Morrison Board of Trustees met to consider variances to lot depth dimensional standards and were also approved unanimously. The Board of Adjustment and Town Board concurred that these variances will not substantially affect the character of the neighborhood, the value of the Historic District, or public health, safety and welfare. The proposed subdivision plat, if approved, will bring the property into legal, conforming status by meeting zoning standards and assigning single lots to existing water and sewer taps.

7. Public Improvements (Appendix B)

Subdivisions shall provide adequate, safe and efficient public utilities and improvements.

Staff Finding: Streets, curb and gutter, sidewalks, drainage, water, and sanitary sewer are existing on and around the site; with the exception of potential easements, additional public improvements are not required with this application. As noted above, staff has requested a note be placed on the plat to read: "No lot hereby created may be conveyed unless and until all easements required to be dedicated to the Town of Morrison have been conveyed free from encumbrance." Staff has added a condition of approval to allow the resolution of technical corrections, including said requested plat note, prior to plat recording. This note will ensure easements are dedicated prior to sale of lots, address comments received from the public service companies and necessitate a Title Commitment to validate any existing easements.

PLANNING COMMISSION MOTIONS:

Below are suggested motions that the Planning Commission could consider regarding the Subdivision application:

1. Planning Commission could approve the preliminary and final plat with waiver request, finding that it substantially meets the standards listed above.
2. Planning Commission could approve the preliminary and final plat with waiver request, finding that it substantially meets the standards listed above with condition(s) outlined by the Board.
3. Planning Commission could deny the preliminary and final plat with waiver request, finding that it does not substantially meet the standards listed above.

RECOMMENDED MOTION:

Approval of the preliminary and final subdivision plat with waiver request with the following conditions:

1. Resolution of technical corrections prior to plat recording
2. A historical, archaeological, and paleontological plan shall be provided prior to issuance of a building permit on Lot 1
3. Land dedication or fee in lieu payment shall be required prior to plat recording.
4. Plat note required, to read: "No lot hereby created may be conveyed unless and until all easements required to be dedicated to the Town of Morrison have been conveyed free from encumbrance."

EXHIBITS:

A. Application for Land Development
B. Letter of Intent
C. Preliminary & Final Subdivision Plat
D. Referral Response Summary Report
E. Preliminary & Final Plat Submittal Checklist

EXHIBIT A

LAND DEVELOPMENT APPLICATION

Town of Morrison
321 Colorado Highway 8, Morrison, Colorado 80465
Telephone: 303-697-8749 Fax: 303-697-8752

Project Name: FOREY'S LO-MO ESTATES SUBDIVISION Case No.:
Property Address: Currently 308-310-312 Spring Street, Morrison, CO 80465
Project Description: Subdivision

Is property within Town limits? ☒ Yes ☐ No Present Zoning: R-1
Name of existing Official Development Plan: none - metes & bounds + annexed parcel
Name of existing Subdivision Plat: none
Parcel Size: 1.027 Acres/Square Feet 44763 ☑ Jefferson County Assessor's I.D. No.(s): 50-021-04-012 -Annex
Existing Use: 3 existing houses and workshop building 50-021-00-002

Application Fee Attached: ☐ Yes ☒ No Amount: $ To Be Determined

ACTION REQUESTED:

Annexation _____ acres of land and _____ acres of right-of-way ☐ Flood Plain Development Permit
Zoning / Rezoning from: _____ to: _____ ☐ Building Permit
Subdivision: ☒ Preliminary Map ☐ Major or ☐ Minor 1 existing lots 5 proposed lots
☐ Final Plat ☐ Major or ☐ Minor _____ existing lots _____ proposed lots
Proposed Subdivision Name: _____
☐ Lot Line Adjustment ☐ Error Correction ☐ Special Use Permit ☐ Utility Review
☐ Vacation of ☐ Easement ☐ Right-of-Way
☐ Final Site Plan Existing Building Square footage: _____ Total Proposed Building Sq. Ft.: _____
☐ Site Plan Amendment Existing Building Square footage: _____ Total Proposed Building Sq. Ft.: _____
☐ Official Development Plan Modification: ☐ Minor ☐ Major ☐ Business License ☐ Sales Tax License
☐ Land Disturbance Permit ☐ Alcohol Beverage License ☐ Health Certificate

APPLICATION INFORMATION: Property Owner? ☐ Yes ☐ No
Name: Sean and Celeste Forey Phone: 303-697-0933
Firm: NA Email: seanforey@me.com Fax: Scan + e.mail
Address: 201 Mill Street - Hwy 93 (P.O. Box 1185) Morrison, CO 80465

ARCHITECT / PLANNING CONSULTANT INFORMATION
Contact Person's Name: Jamee & Gus Chambers Phone: 303-697-0650
Firm: Chambers Consulting, Inc. Email: chaconing@chamberscon.com Fax: Scan + e.mail please
Address: 805 Bear Creek Avenue (P.O. Box 339) Morrison, CO 80465

ENGINEERING CONSULTANT INFORMATION
Contact Person's Name: Not identified yet Phone: _____
Firm: _____ Email: _____ Fax: _____
Address: _____

PROPERTY OWNER INFORMATION: List legal name and address of all persons and/or entities holding any sort of interest in the property which is the subject of the land development application. Attach additional sheets if necessary. Please see reverse side of this application for ownership documents to be submitted along with application.

INDIVIDUAL OWNERSHIP
Name: Sean and Celeste Forey Phone: Same as above
Fax: none Email: seanforey@me.com
Address: Same as above

CORPORATE OWNERSHIP N/A
Name of Corporation: _____
Address: _____
State of Registration: _____ Phone Number: _____
Name of Officers: _____ _____ _____
President Vice President Secretary

PARTNERSHIP N/A
Name of Partnership: _____
Address: _____
State of Registration: _____ Phone Number: _____
List of Partners: Name: _____
Address: _____
Name: _____
Address: _____

CERTIFICATION: I hereby certify that to the best of my knowledge and belief, all information supplied with this application is true and accurate and that consent of the property owner listed above, without which the requested action cannot lawfully be accomplished, has been granted. Permission is also hereby granted to the Town of Morrison staff to physically enter upon and inspect the subject property and take photographs as necessary for preparation of the case.

SIGNATURE OF APPLICANT: Sean Forey Celeste Forey **DATE:** 9-2-2016
resubmitted: 11-9-2016

EXHIBIT B

RECEIVED
NOV 14 2016

TO: Town of Morrison
Honorable Planning Commissioners
FROM: Sean and Celeste Forey
Address: 201 Mill Street, Morrison, CO 80465
Representative: Jamee and Gus Chambers Jamee Ann Chambers
Chambers Consulting Inc., P.O. Box 339, Morrison, CO 80465
DATE: November 9, 2016
Continued: November 14, 2016
SUBJECT: Subdivision Application – Letter of Intent
for **Preliminary and Final Subdivision Plat**
Zone Designation: R1
Property Address: 308, 310 and 312 Spring Street, Morrison, CO 80465
(with Addresses proposed: 304 and 306 Spring Street)
Legal Description: see attached metes and bounds

Owner's Statement:
It is our intent to legalize property we own in Morrison that we purchased in 2011 knowing full well that it did not meet current codes in the Town. We embarked on the steps outlined in December 2011 when we met with the Morrison Land Development Review Committee. We are following the recommendations made in 2011 with this step, Subdivision, as the final process to go before the Town of Morrison Planning Commission.

Topography:
This property is a "metes and bounds" parcel lying east of the platted 1874 Town of Morrison along the easternmost portion of Spring Street. The west side of the property rises sharply above the ravine that was cut by Strain Gulch, creating a higher, vacant area and a lower, flatter area where three single family houses and a workshop are located. A portion of the property is within the 100-year flood plain along Strain Gulch. The northwesterly flank of Mt. Glennon's hogback defines the south and east side of the property. An additional parcel on the east line was purchased in 2015 (@ Reception No. 2015018621) which was designated an "unbuildable tract" by Jefferson County by virtue of the steep slope and small size.

Background:
The Town annexed the original parcel, containing 0.86 Acres, by ordinance in 1968. Each of the three existing residential units had water service lines and sewer service lines, probably dating to 1946. Mr. Ochletree, owner, may have built the manufactured home he lived in at 308 Spring Street. Upon his death, Forey's bought the property. Three existing houses with separate water meters

and sewer services for each is not allowed on one property, so the condition is "legal non-conforming". On **September 1, 2016** the "unbuildable tract" containing 0.166 Acres, was annexed, making the parcel one acre in size, which allows the subdivision.

The lot lines that are proposed with this Subdivision create 5 lots that meet the minimum lot size of 7500 square feet. There is no building allowed on the "unbuildable tract" as it is used only to satisfy the one acre minimum. The lots that have existing houses and water and sewer services are now proposed as separate zone lots.

On **October 10, 2016** the Morrison Board of Adjustment met to consider variances to the side, front and rear setbacks, due to the existing location of the houses and the workshop, as well as lot width for two of the lots. These variances were approved.

On **November 1, 2016** the Town Board of Trustees met to hear a variance from the Subdivision Regulations to allow a lot depth on Lot 2 (#306 Spring Street – proposed address) which is longer than the 2 ½ times the lot width allowed. This variance was approved.

SEE "EXHIBIT FOR SUBDIVISION APPLICATION" -11" BY 17" SIZE ATTACHMENT

1) Request:
To approve a five lot subdivision within the Town limits. Three of the proposed lots are currently served with Town water and sewer and the lot lines, if approved, would legalize these three dwelling units with their current water and sewer taps. The proposed subdivision would create two additional lots. These two would have to purchase new water and sewer taps to be buildable lots. Variances for setbacks for the existing structures have been approved. Variance for lot width and lot depth was approved. The findings of the Board of Adjustment and the Town Board concur that these variances will not substantially affect the character of the neighborhood, the value of the Historic District, or public health, safety and welfare. Consideration was given to the shape and size of the metes and bounds parcel, the hillside topography, Strain Gulch with the 100 Year Flood Zone, existing structures and the "unbuildable tract" (Tract A) which was annexed to meet the one acre minimum size for the subdivision regulations.

Each of the proposed lots meets the minimum lot size of 7500 square feet in the existing R1 zone district.

2) Waiver Request:
The submittal requirements for subdivisions within the Town of Morrison were set with expectations that large scale subdivisions, possibly large tracts of vacant land, would submitted by developers. These are the supporting documents that are listed in the Town's Subdivision Regulations as Article II, Section 3:

a) Preliminary Engineering Drawings

b) Agreements with ditch companies
c) Ten Final Reports
   1) Final Traffic Study
   2) Final Drainage Report
   3) Final Utility Report
   4) Final water supply report and system plan
   5) Final sewage disposal system report and system plan
   6) Final geologic and soils report
   7) Final grading and erosion control report
   8) Final Sensory Impact report
   9) Final Wildlife, Vegetation and Landscaping Plat
   10) Final historical, archeological and paleontological plan

Because this is an isolated, small tract of land with three existing dwelling units, it can be considered an exception to the standard type of subdivision. In this application, the subdivision is necessary to remove the non-conforming use which is already located in difficult terrain because of Strain Gulch, the flank of Mt. Glennon and the steep bank above the gulch. In normal applications a 2' contour map would be prepared to show the topographic challenges of the site (Section 2.2. E. 5 – Preliminary Plat). We request a waiver from this because only one lot is vacant and will be governed by the standard setbacks in the R1 zone district. That lot and the next lot to the east with the existing workshop will have to obtain a water and sewer tap from the Town with an application to build on the lot. The typical topographic map is provided to professional engineers for design of curb and gutter, storm sewer inlets and main, water and sewer mains and service connections, soil conditions and the like. A waiver from a), 2, 3, 4, 5, 6, and 7 is requested. There are no agricultural ditches on the site, so agreements with ditch companies will also not be needed, so we include a waiver request from 2).

The existing houses (and unoccupied workshop) have private drives that reach the existing local street (no cul de sac can be dedicated as that part of Spring Street is in Jefferson County), so no additional streets or easements are required. The traffic impact of one or possibly two additional houses on the local street can be estimated at 10 ADT but would not warrant a Final Traffic Study to assess deleterious effect on adjoining households. A waiver from 1 "Final Traffic Study" is requested.

There is no plan for curb and gutter, no storm sewer system and no other grading is proposed. The three houses that are currently occupied have Town water and sewer services in place. Two lots would have to obtain water and sewer services by purchasing taps from the Town. A full water supply report and system plan is obviously driven by many acres going under subdivision, but does not apply when purchase of two addtional taps for water and sewer is projected.

The final three supporting documents, 8. Sensory Impact, 9. Wildlife, vegetation and landscape plan and 10. Historical, archaeological and paleontological

plan can be addressed as follows: The intent is to leave this historic (meaning 1870's) part of town looking as much like it does at present. The small houses on the easternmost lots are close to 500 to 550 square feet in size. The largest, possibly a more recent 1940's era manufactured home, is around 1200 square feet. By allowing these dwelling units to occupy small lots continues the use as an existing neighborhood with a semi-rural aspect typical of much of the rest of the town. The sensory impact on adjoining houses of one additional house cannot be addressed by a written report. Regulations in code related to noise, trash, yard and tree maintnance will govern these sorts of impacts. The existing vegetation and wildlife will not be any more disturbed or distressed by a possible single family structure, if developed, on Lot 1. Any archeological or paleontological affects on Lot 1 might be considered at the time that a building permit is submitted, but it is doubtful that any ancient paleo-Indian sites exist on this property (but have been reserved on sites closer to Highway 285 along Highway 8). No early, paleo occupation sites or artifacts have been found on Lot 1 through 5 to notify the Morrison Natural History Museum to explore.

I request a waiver from the Article II, Section 3 of the Town of Morrison Subdivision Regulations because that level of detail is not needed in a subdivision of one acre in size which is already 4/5^{ths} developed.
Jamee Chambers, AICP
Chambers Consulting Inc.
Nov. 14, 2016

EXHIBIT C

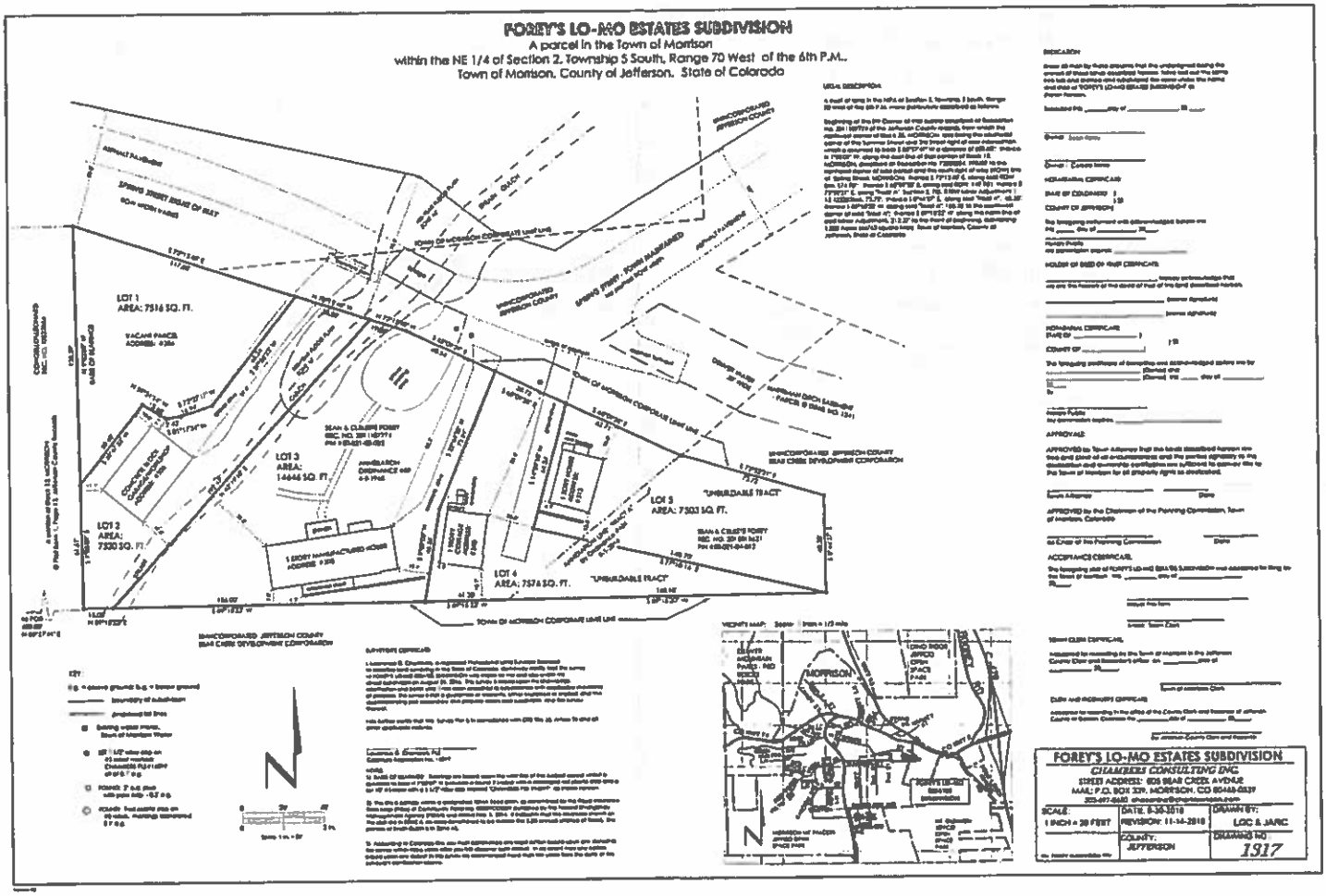
FOREY'S LO-MO ESTATES SUBDIVISION
A parcel in the Town of Morrison
within the NE 1/4 of Section 2, Township 5 South, Range 70 West of the 6th P.M.,
Town of Morrison, County of Jefferson, State of Colorado
LOT 1
AREA: 7516 SQ. FT.
LOT 2
AREA: 7320 SQ. FT.
LOT 3
AREA: 14646 SQ. FT.
LOT 4
AREA: 7574 SQ. FT.
LOT 5
AREA: 7503 SQ. FT.
"UNBUILDABLE TRACT"
MORRISON
FOREY'S LO-MO ESTATES SUBDIVISION
CHAMBERS CONSULTING INC
SCALE: 1 INCH = 20 FEET
DATE: 8-30-2018
REVISION: 11-14-2018
DRAWN BY: LGC & JARC
COUNTY: JEFFERSON
DRAWING NO. 1917

EXHIBIT D

TOWN OF MORRISON

321 HIGHWAY 8 • MORRISON, CO 80465 • PHONE: (303) 697-8749
FAX: (303) 697-8752

REFERRAL RESPONSE SUMMARY REPORT

DATE: December 8, 2016

Project Name: Forey's Lo-Mo Estates Subdivision

Project Type: Preliminary and Final Plat

Location: 308, 310 and 312 Spring Street (including proposed addresses 304 and 306 Spring Street), Morrison CO

THE FOLLOWING RECEIVED OR WERE MAILED THE SUBMITTAL:

TOWN OF MORRISON (internal)

- ❑ Town Engineer, Glendon Berrett
- ❑ Town Utility Director, Fritz Fouts
- ❑ Town Planner, Stephanie Stevens
- ❑ Town Attorney, Gerald Dahl
- ❑ Streets and Grounds, Jose Torres

OTHER AGENCIES

- ❑ Jefferson County Planning Department
- ❑ Jefferson County Open Space
- ❑ City of Lakewood Planning Department
- ❑ West Metro Fire Protection District
- ❑ Urban Drainage & Flood Control
- ❑ CDOT
- ❑ Army Corps of Engineers
- ❑ Century Link
- ❑ Xcel Energy
- ❑ Comcast
- ❑ Morrison Post Office
- ❑ Jefferson County School District
- ❑ Consolidated Mutual Water District
- ❑ Denver Community Planning & Development
- ❑ Foothills Recreation District
- ❑ Willow Brook Water
- ❑ Adjacent property owners

EXHIBIT D

RESPONSES FROM DEVELOPMENT REFFERAL AGENCIES ARE PROVIDED ON THE FOLLOWING PAGES.

"NO RESPONSE" indicates an agency has not sent any comments to the project planner before the writing of this summary.

"NO COMMENT" indicates an agency has returned a "Development Referral Sheet" to the project planner before the writing of this summary, but has no comment at this time.

The following "Next steps" section describes the approaching steps in the review and approval process.

Specific comments from both internal (Town Staff) and external referral agencies can be found in the "Referral Comments" section of this report. If you have any questions or concerns regarding any comment, contact me or the individual agency to clarify the statement and reach an understanding. It is in the applicant's best interest to contact each referral agency directly in order to streamline the review process.

If you have any questions concerning comments on your project or the development review process, please feel free to contact Morrison Town Planner, Carrie McCool at 303-378-4540.

NEXT STEPS

1. **General.** The Land Development Review Committee (LDRC) is issuing the following **Referral Response Summary due to the expiration of the referral period.** We are sending the information that is available at this date and will be finalizing staff comments via email and phone conversation. Once this report is finalized, the applicant will need to address all comments/items contained within the different agency sections of this report. If you have any questions or need clarification on any comment or comments, you can contact the Town Planner or contact the agency responsible for the comment.

2. **Resubmittal.** Planning Staff will provide a redlined copy of the Preliminary & Final Plat to reinforce planning comments and note technical errors and/or further clarification of comments for your reference. The applicant shall address all of the Staff and external referral agency comments then submit ten (10) complete sets of the following to the Town Clerk:

    a. Point-by-point letter which states how all of the comments (including external referral comments) have been addressed;
    b. Staff redlines; and
    c. Revised maps and other documents.

    Please note that it is the applicant's responsibility to follow up with the various referral agencies and obtain their approval of the project.

3. **Planning Commission Public Hearing.** The Planning Commission will review the Preliminary & Final Plat application during a public hearing on December 13, 2016.

4. **Recordation.** Upon approval, the applicant shall have 180 days from the date of approval to submit two (2) original Mylar drawings of the approved Preliminary & Final Plat to the Town Clerk for recording, accompanied by the recording fees and other costs billed by the Town relative to the annexation and zoning process.

REFERRAL COMMENTS SECTION

ENGINEERING

Glendon Berrett, P.E., Town Engineer, GBerrett@tstdenver.com — Response received: Dec 7, 2016

Engineering staff has reviewed the Subdivision submittal and offers the following comments:

1. Please provide a drainage easement along Strain Gulch to allow maintenance of the channel from a drainage perspective.
2. The legal description closes fine, as do the boundaries of the individual lots, and the acrege of each lot is correct (i.e. in reference to conforming to the minimum lot size of 7500 square feet).
3. Title Commitment is needed to validate easements.
4. The legal description is different than the legal description of the deed to the property originally deeded to the Forey's in the deed recorded at Reception No. 201107774 for the majority of the land. The only land being added to that property description to make up this subdivision is Tract A, of the Section 2 Minor Adjustment Plat recorded at Reception No. 2015018621. Please confirm.

UTILITIES

Fritz Fouts, Town Utility Director, FFouts@town.morrison.co.us — Response received:

No Response

PLANNING — Response received: Dec 8, 2016

Stephanie Stevens, Town Planner, 720.465.4320 x102, stephanie@mccooldevelopment.com

Planning staff has reviewed the Subdivision submittal and offers the following comments:

1. Please add the type of proposal (Preliminary and Final Plat) to the Title Block, line 2.
2. During the review process, engineering staff identified the need for a drainage easement along Strain Gulch, public service companies identified existing utilities that will necessitate utility easements, and it was communicated to staff that the recently annexed portion of the property located in the southeastern portion of the site is an "unbuildable tract" requiring dedication. Planning staff is concerned that there may be additional encumbrances on the property that have not been shown therein. To ensure appropriate dedications are made, please provide a plat note, to read "No lot hereby created may be conveyed unless and until all easements required to be dedicated to the Town of Morrison have been conveyed free from encumbrance." Following recording of the plat, please provide a Title Commitment or other appropriate means of validating existing easements contained on the property and dedicate said easements by deed prior to sale of lots.
3. The amount of land to be dedicated for public purposes for residential development shall be not less than 15% of the land area of the tract being subdivided pursuant to Article IV of the Subdivision Regulations. The amount of land on which the dedication is based shall be exclusive of public rights-of-way for public streets, drainage easements, and utility easements. If said dedications listed in item 2 above do not amount to 15% of the land, payment in lieu shall be required to make up the difference. Staff has added a condition of approval to ensure land dedication is provided prior to plat recording.
4. Confirm with the Town Attorney whether the Dedication Certificate provided on the plat meets legal needs of the Town. Recommended Dedication Certificate Language:

Know all people by these presents that the undersigned warrant *they are* the *owners* of a parcel of land situated in the northeast quarter of Section 2, Township 5 South, Range 70 West of the 6th Principal Meridian, Town of Morrison, County of Jefferson, State of Colorado more particularly described as follows:
(INSERT LEGAL DECRIPTION HERE)
Have laid out, platted, and subdivided the same into *lots [and tracts, if applicable]* as shown on this plat under the name and style of Forey's Lo-Mo Estates Subdivision and by these presents do hereby dedicate to the Town of Morrison, Colorado, for the perpetual use of the public, the streets, *(and)* easements, ***and Tracts* as shown hereon and not previously dedicated to the public.

5. Plat map requirements typically require surface mineral owners and mortgagees signature blocks, which has not been provided. Please confirm with the Town Attorney whether this is allowed to be left off in the event that no additional parties have stake in the property.
6. Add note: Development shall be prohibited within the floodplain unless adequate provisions are made to eliminate or control flood hazards as they apply to the area being developed and the general vicinity.
7. A historical, archaeological, and paleontological plan shall be provided prior to issuance of a building permit on Lot 1.

TOWN ATTORNEY Response received:
Gerald Dahl, GDahl@mdkrlaw.com

No Response

STREETS AND GROUNDS Response received:
Jose Torres, JTorres@town.morrison.co.us

No Response

JEFFERSON COUNTY PLANNING DEPARTMENT Response received: Nov 28, 2016
Todd Hager, Planner, Planning & Zoning Division, thager@jeffco.us

No Comments

JEFFERSON COUNTY OPEN SPACE Response received: Dec 9, 2011
Amy Ito, aito@jeffco.us

No Response

CITY OF LAKEWOOD PLANNING DEPARTMENT Response received: Dec 6, 2016
Erin Bravo, Planner, eribra@lakewood.org

The City of Lakewood Development Assistance Team has reviewed the referral for the proposed subdivision at 308 Spring Street. Staff appreciates the opportunity to review the development proposal and we have the following comments:

1. The property has potential for annexation into the City of Lakewood; however, the City is not interested in annexation at this time. If the applicant anticipates annexation into the City in the future, please have the applicant contact us directly.
2. The lot configurations have quite a few angles and are oddly shaped which can make it difficult for property owners to know where they property beings and ends. It may be worth reconfiguring the new lots to have more uniform or simplified boundaries.
3. Please be sure to contact the Fire Department to ensure they can reach each unit.

If you have additional questions, you may contact me directly at 303-987-7548 or by emailing me at eribra@lakewood.org. If possible, we would appreciate at least two weeks to respond to your referral. Thank you so much!

WEST METRO FIRE PROTECTION DISTRICT Response received: Nov 15, 2016
Bruce Kral, Fire Marshal BKral@westmetrofire.org

This property is within the West Metro Fire Protection District (WMFD). Fire service will be provided as long as provisions of the International Fire Code, 2015 edition, including amendments, are met in development.

The WMFPD has no concerns for the application for subdivision. Fire apparatus access must be maintained for all existing buildings. Existing emergency access easements must be preserved.

Permits are required from the fire district for all work on core and shell, automatic fire protection systems, all work on automatic fire detection systems, solar photovoltaic systems, radio amplification, underground fire line, and for the storage of hazardous materials.

WMFPD reserves the right to provide additional comments/requirements at the time when plans are submitted and reviewed per applicable codes and amendments. If you have any questions contact me at 303-989-4307 extension 513 or e-mail: bkral@westmetrofire.org.

URBAN DRAINAGE & FLOOD CONTROL Response received:
David Mallory, dmallory@udfcd.org

No Response

CDOT Response received: Nov 15, 2016
Marilyn Cross, Marilyn.cross@state.co.us

No Comments

ARMY CORPS OF ENGINEERS Response received:
Timothy T. Carey, Chief, Denver Regulatory Office timothy.t.carey@usace.army.mil

No Response

CENTURY LINK Response received: Dec 7, 2016

Dustin Pulciani, ROW Agent, Dustin.Pulciani@centurylink.com

This letter serves as CenturyLink's formal foment to the proposed subdivision plat. CenturyLink is concerned that there are not any public utility easements that will be dedicated by virtue of this plat. Our records indicate that we have an aerial copper cable that is running from Spring St. and goes across all or a portion of this proposed subdivision.

Therefore, we need preserve our interest across this subdivision for this existing aerial cable. CenturyLink does not approve this subdivision plat at this time, but will approve upon the dedication of a platted public utility easement or the execution of a separate easement agreement to CenturyLink that encompasses the existing aerial cable and supporting poles.

Please let me know if you have any questions or if you require any additional information.

XCEL ENERGY Response received: Dec 7, 2016

Donna George, Referral Processor Donna.L.George@xcelenergy.com

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the plat for Forey's Lo-Mo Subdivision. Please be aware PSCo owns and operates existing electric distribution facilities within the subject property. Due to the lot subdivision, PSCo requests an 8-foot utility easement be granted to cover these existing facilities, measuring 4-feet on each side of the pole line. If there are any issues granting these easements due to existing buildings, the property owner/developer/ contractor must contact PSCo.

Should the project require any new gas or electric service or modification to existing facilities, the property owner/developer/contractor must contact the Builder's Call Line at 1-800-628-2121 or https://xcelenergy.force.com/FastApp (*register*, application can then be tracked) to complete the application process. It is then the responsibility of the developer to contact the Designer assigned to the project for approval of design details. Additional easements may need to be acquired by separate document for new facilities.

As a safety precaution, PSCo would like to remind the developer to call the Utility Notification Center at 1-800-922-1987 to have all utilities located prior to any construction.

COMCAST Response received:

Scott Moore, scott_moore@cable.comcast.com

No Response

MORRISON POST OFFICE Response received:

Sherry Moers, sherry.l.moers@usps.gov

No Response

JEFFERSON COUNTY SCHOOL DISTRICT Response received:

Nate Abalos, nabalos@jeffco.k12.co.us

No Response

CONSOLIDATED MUTUAL WATER DISTRICT Response received:

Kim Medina, kmedina@cmwc.net

No Response

DENVER COMMUNITY PLANNING & DEVELOPMENT Response received:

developmentservices@denvergov.org

No Response

FOOTHILLS RECREATION DISTRICT Response received:

Terry Green, terryg@fhprd.org

No Response

WILLOW BROOK WATER Response received:

Eric Bird, office@willowbrookwater.org

No Response

EXHIBIT E

TOWN OF MORRISON

TOWN OF MORRISON

321 HIGHWAY 8 • MORRISON, CO 80465 • PHONE: (303) 697-8749
FAX: (303) 697-8752

PLAT SUBMITTAL CHECKLIST

I. **PRELIMINARY PLAT**

(See Article II, Section 2 of the Town of Morrison Subdivision Regulations for a full list of submittal requirements)

- **Land Development Application Form**
- **Letter of Intent**
- **Proof of Ownership**
- **Payment of fees**
- **Preliminary Plat Map (5 copies) 24" x 36" matte mylar drawn in black ink or blackline positive mylar of the same and 15 copies of the map reduced to 8 ½" x 11" or 11" x 17". The plat map shall show the following:**
  1. Title block: Name of subdivision, type of proposal (preliminary plat), legal description of the total area referenced to township, range, section, county and state
  2. Vicinity map with north arrow
  3. Boundary lines of the proposed subdivision drawn in a heavy solid line
  4. Existing zoning district boundary lines
  5. Existing contours at 2-foot intervals
  6. All parcels of land to be dedicated for public use
  7. Existing and proposed public and private easements
  8. Proposed lots and blocks (with dimensions) with front setback line shown for each lot
  9. Natural features
  10. Existing and proposed rights-of-way
  11. 100-year floodplain
  12. Sight distance triangles
  13. Proposed fencing
  14. Names of adjacent property owners
  15. Site development details:
  a. Total land area in acres
  b. Existing zoning of the property
  c. Total number of proposed dwelling units and proposed gfa of non-residential use
  16. Names and addresses of the owners, subdivider and surveyor or licensed engineer or designer of the plat
  17. Date of preparation, scale (1:100 or larger) and north arrow

TOWN OF MORRISON

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FAX: (303) 697-8752

- **Supporting Materials:**
  1. Preliminary traffic study
  2. Preliminary drainage report
  3. Preliminary utility report
  4. Preliminary water supply report and system plan
  5. Preliminary sewage disposal system report and system plan
  6. Preliminary geologic and soils report
  7. Preliminary grading and erosion control plan
  8. Sensory impact report
  9. Wildlife, vegetation and landscaping plan
  10. Historical, archaeological and paleontological plan

- **Names and addresses of all surface owners, mineral rights owners, lesees of mineral rights owners and all lienholders**
- **Additional information may be required by the Planning Commission**

II. FINAL PLAT

(See Article II, Section 3 of the Town of Morrison Subdivision Regulations for a full list of submittal requirements)

- **Land Development Application Form**
- **Letter of Intent**
- **Proof of Ownership**
- **Payment of fees**
- **3 prints of the approved preliminary plat**
- **Final Plat Map (5 copies) 24" x 36" matte mylar drawn in black ink or blackline positive mylar of the same and 15 copies of the map reduced to 8 ½" x 11" or 11" x 17". The plat map shall show the following:**
  1. Title: Name of subdivision, type of proposal (final plat), legal description of the total area referenced to township, range, section, county and state,
  2. Date of preparation, scale (1:100 or larger), north arrow
  3. Accurate dimensions for all lines, angles, and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features.
  4. All dimensions determined by an accurate control survey. No final plat showing plus or minus dimensions will be accepted.
  5. Names of all adjoining subdivisions shown in dotted lines. If adjoining land is unplatted, names and property owners from Jefferson County Assessors records shall be shown.

TOWN OF MORRISON

321 HIGHWAY 8 • MORRISON, CO 80465 • PHONE: (303) 697-8749
FAX: (303) 697-8752

6. Lot and block numbers
7. Names of streets, dimensions of alleys, dimensions and purpose of easements, designations and dimensions of park sites and other public facilities
8. Widths of adjacent rights-of-ways and names of abutting streets and alleys
9. Description of all monuments and control monuments
10. Land Surveyor certification
11. Statement by land surveyor explaining determination of bearings
12. Signature blocks for the Chairman of the Planning Commission, Mayor of the Town of Morrison, Owners, Lienholders, Mortgages, Town Clerk and County Recorder
13. Date of field survey and date of plat preparation
14. Attorney's certificate
15. Dedication certificate
16. Construction covenant, if subdivision improvements agreement is required (see Article II, Section 3)
17. Emergency easement and note, if required (see Article II, Section 3)
18. Storm Drainage easement and note, if required (see Article II, Section 3)
19. Clerk and Recorder's signature block
20. Surface mineral owners and mortgagees signature block
21. Vicinity Map (scale 1:2000 preferred)
22. North Arrow

- **Supporting Materials:**
  1. Preliminary engineering drawings
  2. Agreements with ditch companies, if applicable
  3. Recorded deed
  4. Title Report (dated no more than 2 weeks prior to date of submittal)
  5. Final reports, if deemed necessary by the Planning Commission
     a. Final traffic study
     b. Final drainage report
     c. Final utility report
     d. Final water supply report and system plan
     e. Final sewage disposal system report and system plan
     f. Final geologic and soils report
     g. Final grading and erosion control plan
     h. Final Sensory impact report
     i. Final wildlife, vegetation and landscaping plan
     j. Final historical, archaeological and paleontological plan

5A

MEMORANDUM

Date: December 13, 2016
To: Morrison Planning Commission
From: Stephanie Stevens, Town Planner
Subject: Planner Report

TOWN OF MORRISON

CONSIDERATION OF HISTORIC REGULATIONS

Based on recent interest in the potential adoption of Historic Regulations for the Town of Morrison, Planning Staff has compiled background information, advantages and disadvantages, and sample regulations to help guide initial discussions. Ultimately, Planning Staff is seeking initial feedback regarding fundamental values and objectives desired by the Town in order to draft Historic Regulations tailored to the Town's needs.

Background Information

The National Register of Historic Places

Historic resources can be buildings, structures, objects, sites, landscapes, or archaeological artifacts that have been identified as historically significant in their community context. Many such resources are deemed of national historical significance. The official federal list of such resources, reflecting the nation's cultural heritage, is the National Register of Historic Places, maintained by the National Park Service (NPS). The Morrison Historical District was designated to the National Register of Historic Places in September 1976. Seventy buildings and sites were listed as part of the District, which encompasses the downtown area and some buildings on the neighboring streets. Morrison's listing of properties on the National Register is provided in the attached *Exhibit A*.

Purpose

The purpose of Historic Regulations is to ensure that the historic character of the Town is preserved, while recognizing that preservation of historic buildings and character is important to give citizens and visitors a tangible link with our heritage. The expressed goal of the Historic Regulations is to retain historic building form, features and detailing and allowing staff to review changes to ensure that the historic character is preserved, while encouraging property owners to make improvements to their properties. It is also the purpose to develop and maintain appropriate settings and environments for new buildings or additions, sites and areas to enhance property values, stabilize neighborhoods, promote tourist trade and interest and foster knowledge of the Town's living heritage.

Weighing Outcomes – Advantages and Disadvantages

Advantages

- Increased protection of valuable historic resources
- Limits demolition or irrevocable alteration of historic resources
- Establishes incentive provisions for rehabilitation or adaptive reuse of historical structures (i.e. tax credits, grants)
- Promotes new construction compatible with historic precedent and complementary to the historical landscape

- Contributes to community cultural and economic vitality, stabilizes property values, fosters pride and appreciation of the historic built environment, and consequently contributes to community quality of life
- Fosters revitalization of older neighborhoods while minimizing the dislocation of current residents, through preservation, rehabilitation and reuse of existing buildings and structures
- Promotes opportunities for historical interpretation and live, hands-on educational experience, linking the present to the past
- May increase property values
- Prevents architectural and design incompatibility

Disadvantages

- Potential for subjective interpretation
- Potential tax increases associated with increased property values
- Hindrance of development due to increased costs
- Potential perception of over-regulation
- May not protect historic resources as expected
- More involved process
- Costs and considerations surrounding an additional commission - clerk and reporting responsibilities, membership recruitments

Sample Regulations

Exhibit B - Manitou Springs, CO:

- Historic Preservation Ordinance
- (Excerpt) Historic District Design Guidelines: Chapter 7 Guidelines for New Construction in the Commercial Core
  Link to full document:
  http://www.manitouspringsgov.com/library/documents/general/historic_district_design_guidelines.pdf

Exhibit C - Leadville, CO:

- Historic Preservation Ordinance
- (Excerpt) Historic Preservation Commission Design Guidelines: Part 3 Rehabilitation Guidelines and Part 4 Additions and New Buildings
  Link to full document: https://www.colorado.gov/pacific/leadville/historic-preservation-commission-2

Exhibit D - Buena Vista, CO:

Historic Preservation Code Amendment

Exhibit E - Trinidad, CO:

Historic Preservation Ordinance

Helpful Resource:

The Secretary of the Interior's Standards for the Treatment of Historic Properties
https://www.nps.gov/tps/standards.htm

Items to Consider

A. Process
B. Prominent Town Values
C. New Development, Additions or Alterations, Rehabilitation
D. Architectural Design: Important Features (i.e. materials; features such as roofs, windows, entrances and porches, and storefronts
E. Building Site and Setting (i.e. orientation, setbacks, height, form, mass and scale)

PROJECT TRACKING CHART

Attached is an updated ***Project Tracking Chart***. This tracking tool provides detail on projects and planning activities, which are in process and will include projects that have been completed. Please feel free to contact me anytime with any questions regarding current planning activities.

Town of Morrison
Project Tracking Chart
December 2016

Project Name	Project Description	Project Location	Submittal Date	Approval Date	Project Status	Staff Contact	Applicant	Contact	Comments
Active Projects									
110 Wood Lane Home Addition	Building Permit	110 Wood Lane	11/22/2016		Awaiting Resubmittal	SS	Ryan Burris	Ryan Burris 303-284-9261 R_A_Burris@hotmail.com	11/22/16 Plans picked up; 11/30 notice of deficiencies sent; 12/1 revisions received; 12/2 additional revisions requested; 12/4 corresp with applicant re: revisions requested - plans to resubmit once engineering comments have also been addressed
Red Rocks Ranch (formerly Red Rocks Centre)	Subdivision Plat, ODP Amendment, Disconnect Request	Bounded by W Yale Ave, S Indiana St, C-470 and W Morrison Rd	11/3/2016		Awaiting Resubmittal	SS	Andrew Trietley	Andrew Trietley 303-346-7006 atrietley@ventanacap.com; Troy Bales 303-537-8020; tbales@rickengineering.com	11/3/16 recv'd formal application; 11/4 1st referral sent (due back 11/25); 12/9 formal review comments sent to applicant
Town Park Loop Trail Grant	Trail Grant Assistance	Trail connection from the Post Office to the Museum	9/26/2016		Grant Review Board Presentation Scheduled 1/9/17	CM/SS	Town	Kara Zablansky	9/26/16 assistance requested from Town; 10/5/16 flyer created and sent for public meeting; 10/11/16 public meeting held; 10/27/16 draft grant application sent to Town Admin; 12/1/16 Jeff Co Open Space presentation; 1/9/17 GOCO review board presentation scheduled
Forey's Lo-Mo Estates	Subdivision Plat	308 Spring Street	11/15/2016		Planning Commission Mtg scheduled 12/13/16	SS	Sean & Celeste Forey	Jamee Chambers 303-697-0650; chaconinc@chamberscon.com	9/12/16 Pre-app held; pre-app comments sent 9/30/16; 11/15/16 recv'd forma application and 1st referral sent (due back 12/7); Formal review comments sent 12/9; Planning Commission Mtg scheduled 12/13

Town of Morrison
Project Tracking Chart
December 2016

Project Name	Project Description	Project Location	Submittal Date	Approval Date	Project Status	Staff Contact	Applicant	Contact	Comments
Rooney Valley Master Plan Update	Master Plan Update	Rooney Valley	n/a	n/a	Lakewood Council Meeting scheduled 1/23/17; Morrison BOT Meeting tentatively scheduled 2/7/17	CM/SS	n/a	n/a	9/30/16 Draft Plan received from Lakewood; 10/5 Morrison issued comments to Lakewood Staff on Plan text and mapping; 10/7/16 Mtg with Lakewood to prep for 10/13/2016 RVPC Study Session; 11/2/2016 Lakewood PC meeting held; 11/3/2016 RVC meeting held; 11/8/16 Draft Plan revised and issued to public; 11/14 Board/Council study session meeting held; 11/15 Morrison Board meeting held; 11/21 Mtg with Lakewood to prep for December hearings; 12/5 Lakewood City Council study session meeting held
Bear Creek Nursing Home Code Compliance Audit	Code Compliance	150 Spring Street	n/a	n/a	Notice of Code Violations sent	SS	n/a	Roger Peeler	7/27/16 Inspection completed; 8/16 Notice of Code Violation letter sent; 11/22 Follow-up sent to Town Admin re: status; 2 of 5 dead trees removed 11/7, plan to remove 1 tree/month over the next 3 months; lighting replacements in progress
Town Lighting Audit	Lighting Audit	110 Stone St, 321 Colorado 8, 700 Bear Creek	n/a	n/a	Audit Report sent	SS	Town	Kara Zabilansky	7/27/16 Inspection completed; 8/16 Audit Report sent to Town; 11/22 Follow up sent to Town Admin re: status
Rooney Valley IGA Revisions	Revisions to the 2016 Amended Rooney Valley IGA between Morrison and Lakewood	Rooney Valley	n/a	n/a	Pending	CM/SS	n/a	n/a	10/14/16 recv'd draft from attorneys for review; 10/27/16 comments issued; 11/15/16 Morrison Board approval; Lakewood hearing TBD
Outside Referrals									
Red Rocks Ranch (formerly Red Rocks Centre)	Annexation & Initial Zoning	Bounded by W Yale Ave, S Indiana St, C-470 and W Morrison Rd	10/28/2016		Awaiting Resubmittal	SS	Andrew Trietley	Andrew Trietley 303-346-7006 atrietley@ventanacap.com; Troy Bales 303-537-8020; tbales@rickengineering.com	11/4/16 recv'd referral from Lakewood; referral comments sent 11/18/16

Town of Morrison
Project Tracking Chart
December 2016

Project Name	Project Description	Project Location	Submittal Date	Approval Date	Project Status	Staff Contact	Applicant	Contact	Comments
SE of Lost Horse Lane Rezone and Plat	Pre-App to Rezone and Plat approx. 21 acres from PD to PD for 19 SFDs	SE Long Horse Ln/Promintory Point	9/30/2016		Issued Letter to Lakewood; Awaiting resubmittal	SS	Joseph Huey	Michael Madrid	9/30/16 recvd referral from County; 10/5/16 issued comment letter
3 Dinos Rezoning	Rezoning from CD-RM to PD	SE & NW Corner of Alameda & C-470	8/27/2015		Issued Letter to JeffCO; BOCC Mtg Scheduled 1/17/17	SS	3 Dinos LLC	Heather Gutherless	5/12/16 issued 1st referral comment letter (Kara Z.); 9/27/16 recvd 2nd refferal from County; 10/5/16 extension requested for Board review 10/18; 10/19 issued comment letter; 11/9/16 recvd 3rd referral from County; 11/16/16 issued comment letter; 12/7 & 12/8 Planning Commission hearing held - rezoning approved (5-2); Board hearing scheduled 1/17/17
3 Dinos Plat SE	Preliminary and Final Plat to subdivide the property into 9-lot commercial Superlot Plat	SE Corner of Alameda & C-470	8/26/2016		Issued Letter to JeffCO; Awaiting resubmittal	SS/CM	3 Dinos LLC	Ross Klopf	8/26/16 recvd referral from County; 8/29/16 issued comment letter; 10/27/16 recvd 2nd referral from County; 11/7/16 issued comment letter
3 Dinos Plat NW	Pre-App for a subdivision for 12 commercial lots	NW Corner of Alameda & C-470	7/29/2016		Issued Letter to JeffCO; Awaiting resubmittal	SS/CM	3 Dinos LLC	Sean Madden	7/29/16 recvd referral from County; 8/4/16 issued comment letter; 10/27/16 recvd 2nd referral from County; 11/7/16 issued comment letter; 11/9 recvd 3rd referral; 11/16/16 issued comment letter

Town of Morrison
Project Tracking Chart
December 2016

Project Name	Project Description	Project Location	Submittal Date	Approval Date	Project Status	Staff Contact	Applicant	Contact	Comments
Approved Projects									
Morrison Joe	Sign Permit	211 Bear Creek Ave	8/16/2016	11/8/2016	Approved	SS	Jeff Bradley	Jeff Bradley 303-570-4132	8/16/16 Town recv'd formal submittal; Application denied based on incomplete application/sign type; 11/4/16 recv'd revised submittal; 11/8/16 permit approved
Forey's Lo-Mo Estates	Subdivision Variance	308 Spring Street	10/17/2016		Approved	SS	Sean & Celeste Forey	Jamee Chambers 303-697-0650; chaconinc@chamberscon.com	9/12/16 Pre-app held; pre-app comments sent 9/30/16; 10/17/16 Formal application recv'd - scheduled for 11/1 BOT; 10/27 BOT report sent; 11/1/16 BOT mtg held
Forey's Lo-Mo Estates	Zoning Variance	308 Spring Street	9/21/2016		Approved	SS	Sean & Celeste Forey	Jamee Chambers 303-697-0650; chaconinc@chamberscon.com	9/12/16 Pre-app held; 9/21/16 Formal application recv'd - scheduled for 10/10 BOA; 9/30/16 pre-app comments sent; 10/5/16 BOA report sent; 10/10/16 BOA mtg held; 10/19/16 comments sent re: findings and decisions

1. OLD STANDARD STATION 103 Bear Creek Avenue 1926
   This was Morrison's first fancy service station. The building now houses Ozzi's. (Nature's Gift Candleworks was last business to occupy west end.)
2. MORRISON LIBRARY 113 Bear Creek Avenue
   1946 Built by Mr. Carl Peinze at no cost to the town, this is now 5 Star Property & Gifts.
3. AMOS HOUSE 120 Bear Creek Avenue Ca.
   1873 This house was moved back when Hwy 8 came through Morrison in 1926. Now El Mercado, an antique store.
4. PEINZE HOUSE 117 Bear Creek Avenue
   Ca.1873 – Vinton Amos, a Morrison blacksmith, lived here ca. 1880. The Peinzes ran a grocery/market and real estate office here. Currently Beso de Arte restaurant
5. JAMIESON HOME 110 Market Street
   Ca. 1873 The Jamiesons lived here from 1931 to 1980. Pete Morrison, grandson of the town founder, lived here as a young man railroading and rodeoing with Clyde Hocking.
6. ANDREW JOHNSON HOME 118 Market Street
   1873 This was the Methodist church's first parsonage. Andy was a Morrison Post Office employee from 1910 to 1950.
7. PILLAR OF FIRE CHURCH 111 Market Street
   Ca.1885. The Pillar of Fire bought the church and the house next door from the Town in 1932 as a memorial to Alma White. The nondenominational Morrison Community Church holds services here. (August 2012: This building is for sale.)
8. CHARLY PIKE HOME 105 Market Street
   Ca.1880 Pike was a nephew of Zebulon Pike (of Pike's Peak Fame). The Pikes were merchants in Morrison. (August 2012: This building is for sale.)
9. MORRISON MARKET 201 Bear Creek Avenue
   Ca.1880 First occupied by Judge Babcock, this was later a meat market run by Tom Morrison. After the 1916 fire, it became the Post Office. It now houses the Morrison Country Store.
10. TOM LEWIS HOME 205 Bear Creek Avenue
    Built ca. 1879 of native brick. Lewis ran a livery stable in Morrison.
11. JOHN ROSS HARDWARE AND LUMBER CO. 209 and 211 Bear Creek Avenue Ca.1876 Built of native stone, this building was once owned by Ross' daughter, Mary Quaintance. Rebuilt by 2004, it now houses Cafe Prague.
12. DEAN'S GROCERY STORE 215 Bear Creek Avenue
    Built ca. 1890 by John Ross. A dance ball upstairs became the Episcopal Sunday School on Sundays. Later it was Peinze's Grocery Store. Currently, Tony Rigatoni's Restaurant is here.
13. JOHN ROSS HOME 106 Stone Street
    Ca. 1878 It was a restaurant and passenger pick-up for the stage coach. After Mr. Ross' home burned he lived in this building, now a business.
14. TOWN HALL 110 Stone Street
    Built ca. 1896 by Woodman of the World. Later acquired by the Women of Woodcraft and finally donated to the Town by the Booster Club in the 1950s. Renovated by the Town with help from the Colorado Historical Society in 1995.
15. MELISSA PEARSON HOUSE 112 Stone Street
    Built ca.1879 as a rental, which it still is. Commercial shop.
16. NEWLAND HOUSE 116 Stone Street
    Ca.1875 Mrs. Newland ran a boarding house, and many railroad workers ate here. The Morrison Historical Museum (now at #71) began here in 1981. Lacey Gate Antiques.

17. DURHAM HOUSE 307 Mt. Vernon Avenue
    Ca.1880 Fillmore Durham was the railroad station master, and his wife was the telegraph operator. In 1936, at age 84, he was killed on Bear Creek Avenue by a car. Private residence.
18. ED FLEMING HOUSE 311 Mt. Vernon Avenue
    Ca.1890 Ed was a fine rock mason and worked on many vacation homes in the mountains. He also rodeoed with "the gang" and served on the Morrison Town Board many years. Private residence.
19. LOG CABIN 313 Mt. Vernon Avenue
    Built ca. 1918 by Ted and Joe Schrock for Olinger (mortuary) as a real estate office. It was moved from Bear Creek Avenue to its present location. Private residence.
20. JAKE SCHNEIDER HOME 107 Stone Street
    Ca.1875 Thomas C. Bergen, founder of Bergen Park in 1859, occupied this dwelling in 1887. This was the home of Jake and Nellie Schneider from 1904 to 1948. Private residence.
21. PIKE & PERRY MERCANTILE CO. 301 Bear Creek Avenue
    Ca.1880 Burnt out in 1919, it had to be repaired and became a dance hall. After the 1938 flood, the Schneiders continued the drug store business here until 1973. Now part of the Morrison Inn.
22. HENRY F. WOLF'S POOL HALL, TOBACCO & BARBER SHOP 303 and 305 Bear Creek Avenue
    Ca.1880 A mercantile owned by Levi H. McGill in 1892 and Pike & Perry in 1906. Now part of the Morrison Inn.
23. PETE CHRISTENSON'S SHOP 307 Bear Creek Avenue
    Built in 1876 by Pete Christenson, whose name and building date are still on the building. This building is now also part of the Morrison Inn.
24. SCHNEIDER'S GROCERIES, RESTAURANT & ROOMS 311 Bear Creek Avenue (site)
    This was a 2-story frame building with stairs outside like you see in all western movies. It burned down in the 1931 fire and was replaced by the present brick building, which is now Sundance Sensations.
25. BAKER & SMITH GARAGE 317 Bear Creek Avenue (site)
    Rebuilt in 1931 (after same fire as above). James Abbo built the first building, which was called Mt. Morrison Garage "Auto, Stage, and Livery." Morrison Carworks now occupies the site.
26. RAILROAD STATION 315 Bear Creek Avenue (site)
    Built in 1873, this was the station for the Denver, South Park & Pacific Railroad. The train made its last scheduled run in 1925 and was abandoned after the 1933 flood.

    26a. RAILROAD TURNTABLE
    The old turntable that rotated the engines for the return trip to Denver occupied this area that is now a large parking lot.

27. CLIFF HOUSE 115 Stone Street
    Built in 1873 by George P. Morrison, who died here in 1895. The John Swansons bought the house and ran it as a hotel called The Cliff House.
28. WILLIAM SAWYER HOME 109 Mill Street
    Ca.1880 Sawyer was a Justice of the Peace, drove a stage coach and worked in the Rooney coal mine.
29. MORRISON BANK 401 Bear Creek Avenue
    Built ca. 1880 of native brick and served as a bank until 1920. A beauty shop occupied the east side from 1945 to 1980. Mill Street Deli is now doing business here.
30. WILLIAM BECKETT HOME 116 Beckett Lane.
    Ca.1882 William and Lucy came from London with their two daughters. He was a cobbler and a carpenter, she, a trained nurse. Private residence.

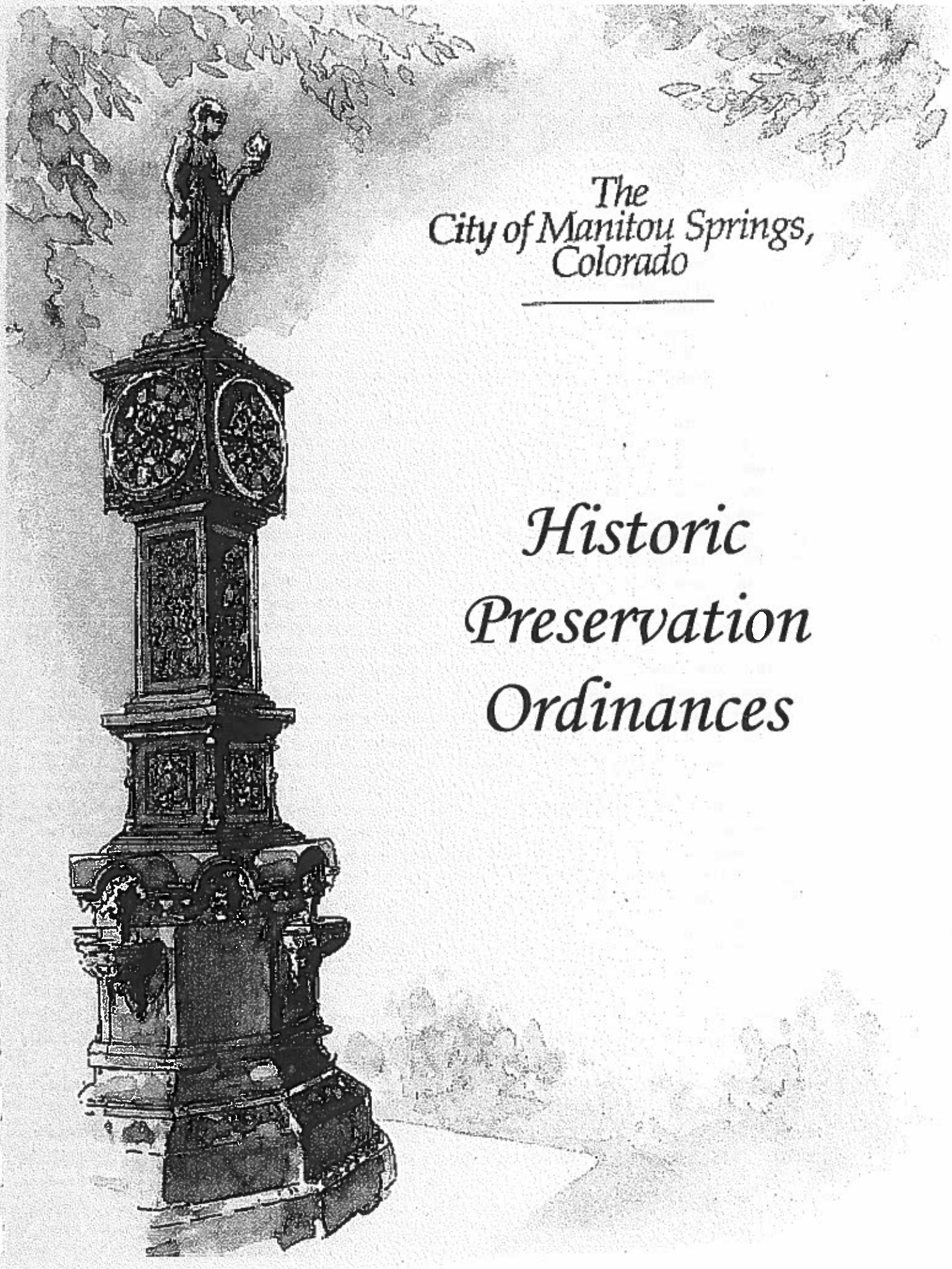
31. DODE REEDY HOUSE 120 Beckett Lane.
    Ca.1883 Built by Wm. Beckett, rented to families of workers for the rock quarries, the railroad, and construction jobs. Private residence.
32. HELEN HANSON HOUSE 140 Beckett Lane.
    Built ca. 1884 by Wm. Beckett for local workers. It became known as the Hanson House during this century. Private residence.
33. JAIL HOUSE 119 Beckett Lane
    Ca.1884 Built by Wm. Beckett and Mr. Crosser. The jail is now completely enclosed and is just a room in this house. Private residence.
34. SITE OF MORRISON'S NEWSPAPERS 408 Bear Creek Avenue
    From 1889 to 1917, this was the home of four newspapers: "The Bud", "The Jefferson", "Morrison Independent", and "Morrison Monitor". A former Conoco station on this site is the new home of the TNT Restaurant.
35. GOTCHALK BAKERY (also Quarry Site) 503 & 505 Bear Creek Avenue
    Built ca. 1885. The Site of Morrison Stone, Lime, and Town Co., the kiln (ca. 1878) made the mortar used in many of the houses that still stand today. The Morrison Liquor Store now uses this building.
36. STAGECOACH BUILDING 101 S. Park Avenue
    Built ca. 1870 of native sandstone by Geo. Morrison, the Town's founder. The stage ran from Morrison to Leadville and Fairplay. Now part of the Horton House property (see #39).
37. ABBO'S LIVERY & CARRIAGE HOUSE 105 Canon Street
    Ca. 1870 Abbo & Lewis were partners. Tom Lewis was Abbo's father-in-law. Now part of the Horton House property (see #39).
38. AMOS' BLACKSMITH SHOP 105 Canon Street
    Ca. 1880 Vinton Amos ran a blacksmith shop here until the advent of the automobile. This building became Pete Foster's Garage, ca. 1920. Private residence.
39. ABBO'S DWELLING 105 Canon Street
    Ca. 1870 A home and blacksmith shop until 1875. Dr. Frank Luce lived here in about 1922. From 1945 to 1973 it was a Mexican Restaurant, El Gallo Tuerto, one of the first in the Denver area. Additions have been made over the years. The property is now the Horton House Bed & Breakfast.
40. WILLIAM SCHNEIDER HOUSE 207 S. Park Avenue
    Built in 1926. Bill's wife Ruth Schneider lived here until 2000. Dan and Bill Schneider were sons of Jake, a pioneer. Private residence.
41. ROBERT SMITH HOUSE 211 S. Park Avenue
    Built ca. 1915 by Dr. Frank Luce from lumber taken when part of Abbo's livery stables was torn down. Private residence.
42. KNOLL'S HOUSE 215 S. Park Avenue
    Ca.1888 Dr. Luce lived here when he first came from Denver in 1890. Remodeled late 1990s. Private residence.
43. PEARL PEARMAN HOUSE 212 S. Park Avenue
    Ca. 1888 The Pearmans lived here from 1919 until about 1939. Pearl was a daughter of Jonas Schrock, a pioneer of Morrison who homesteaded at Mt. Falcon. Private residence.
44. COCKRAN HOUSE 109 Spring Street
    Lizzy C. Kirby was the first owner on record. Charles Cockran, ca. 1919, followed. Private residence.
45. FLORENCE BECKETT MCLEAN HOUSE 115 Spring Street
    Ca. 1889 Florence Beckett came to Morrison from London with her sister and parents. She married J.W. McLean in about 1901. Private residence.

46. RAILROAD CREW HOUSE 127 Spring Street
    Ca. 1872 Built for the men building the railroad. It was moved from 315 Spring Street—close to the tracks—in 1926 by Mr. Peinze who sold it for a residence. Private residence.
47. SWISS COTTAGE 150 Spring Street (site)
    Built in 1874 for Governor Evans of native sandstone by George Morrison, a Quebec stone mason who came to Colorado in 1850 with his family and moved to Morrison in 1873. From 1884 to 1888, it was the site of Sacred Heart College. This building was replaced by the current Nursing Center in the 1970s; it was razed in 1982 after several attempts to save it.
48. MORRISON SCHOOL HOUSE 226 Spring Street
    Built in 1875 by George Morrison of native sandstone. It was in continued academic use until 1955. Remodeled, most recently in 2005-06. Private residence.
49. GROVER DENBOW HOUSE 307 Spring Street
    Ca. 1875 Used as a railroad crew house, it later became a rental. Denbow, a trapper, rented it when he came to Morrison with his family in 1912. Private residence.
50. BAKER HOUSE 311 Spring Street
    Ca. 1872 – Julie Ann Baker was a Groom, one of the oldest families around Morrison. The house remained essentially unchanged until 1996 when an addition was built. Private residence.
51. SCHROCK HOUSE 314 Spring Street
    Ca. 1872 Jonas Schrock came from Germany, his wife from England. Mr. Schrock had a saloon at 307 Bear Creek Avenue (#23). Private residence.
52. FLORENCE SMITH WILSON HOUSE 320 4th Street
    Ca. 1899 This was Lucy Beckett Smith's and Robert Smith's home. This house was moved from Spring Street to its present site about 1905. Private residence.
53. JOHN B. WALKER HOUSE end of Red Rocks Vista Lane (site)
    Ca. 1900 Walker lived here while he built his home on top of Mt. Falcon. His wife is buried near here at a spot where she loved to sit and look over to Red Rocks Park. The house was demolished in 1999 and replaced by a new structure.
54. KATE GROOM FULLER HOUSE 231 Hwy. 8
    Ca. 1880 Kate was a Groom, one of the oldest families in the Morrison area. This house was moved to this location from Market Street in 1926. Private residence.
55. DR. GEORGE PALMER HOUSE 229 Hwy. 8
    Ca. 1900 It is believed to be an older house that was moved into and added on to about 1910. Private residence.
56. ART JOHNSON HOUSE 225 Hwy 8
    Ca. 1910 Originally built to be the parsonage of the Methodist church (#7); moved to this location. Originally clapboard, renovated to stucco in 2006. Private residence.
57. BERTHA MAE HEBREW HOME 804 Bear Creek Avenue
    Ca. 1887 The house was moved to this location in 1891 by Sam Hebrew who came to Colorado to hunt buffalo with Buffalo Bill who had a contract to furnish meat for railroad crews. Private residence.
58. LAWRENCE ED LAGROW HOUSE 207 Bear Creek Lane
    Ca. 1870 The LaGrow family occupied this house until 1975. The house was added on to as the family grew, further additions were made in 2005. Private residence.
59. CURT LAGROW HOUSE 201 Bear Creek Lane
    Ca. 1870 Built by Jennie Cowan and a neighbor girl who was 13 years old. Mary LaGrow (next door) bought it for her son, Curt, when he got married in 1920. Private residence.
60. MAGGIE CROW HOUSE 109 Bear Creek Lane
    Ca. 1872 Maggie carried mail on horseback from Morrison into the surrounding mountains and drove

the stagecoach from Morrison to Conifer. See Early History of the Turkey Creek Mail Route. Private residence.

61. TUTTLE HOUSE or ALMA WHITE HOUSE 107 Bear Creek Lane
    Ca. 1872 Alma White, founder of the Pillar of Fire Church, lived here where her second son, Ray, was born in 1892. Private residence.
62. MARY SMITH HOME 105 Bear Creek Avenue
    Ca. 1872 Mary (Schrock) and Henry Smith traded $150 in cash and a 1928 Ford with a rumble seat for this property a year after they were married. Private residence.
63. JOEL HOCKING HOUSE 601 Bear Creek Avenue
    Ca. 1872. Hocking was a town marshall, a homesteader on top of Mt. Falcon, and a popular participant in local rodeos. The Christenson, Rogers, and Denbow families also occupied this house at various times. Private residence.
64. JASPER TRACY HOUSE 199 Garden Avenue (site)
    Ca. 1880. Annie Ewan Tracy came from a large family southeast of Morrison. Their home was called Cottonwood Ranch, on land presently owned by the John Pallaoro family. Chapel of the Red Rocks now occupies the site.
65. JUDGE STROUP HOUSE 201 Garden Avenue
    Built ca. 1922. Judge Stroup and his wife were "wonderful people," well known to Morrison children, as they hosted Halloween and Christmas parties during the 1920s. Private residence
66. HOWARD BEACH HOUSE 201 Mill Street
    Ca. 1918. Built by Walter Weare, ca. 1918, who owned a herd of dairy goats. The Beaches had lived here 50 years as of 1976. Private residence
67. TOM MORRISON HOME Mt. Vernon Creek
    Ca. 1877. Son of founder George Morrison, Tom was a stagecoach driver, saloonkeeper, and butcher at various times, as well as Morrison's first Mayor in 1906. Private residence
68. CROSSER or DAVIS HOUSE 403 Mt. Vernon Avenue
    Ca. 1882. Crosser worked for William Beckett and John Ross. He built the jail (#33) with the door pins on the inside, then later became its first prisoner — and first escapee. Private residence.
69. DINOSAUR QUARRY SITE Hogback, Mt. Vernon Avenue
    The scar along the hogback was named a historic site, but for the wrong reason. This site is actually one of George Morrison's early sandstone quarries. The historic dinosaur quarry (Yale Quarry #10) is located further up the ridge.
70. MORRISON CEMETERY North of Red Rocks School
    In use since about 1868, this cemetery "houses" many of Morrison's early citizens. See Genealogies for selected grave photos. Managed by the Morrison Cemetery Association.

Source: Morrison Historical Society https://morrisonhistory.wordpress.com/places/



The
City of Manitou Springs,
Colorado

Historic Preservation Ordinances

Chapter 17.04

HISTORIC PRESERVATION REGULATIONS*

Sections:

17.04.010	Short Title.
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* Prior ordinance history: Ord. 0979, 0987.

17.04.010 Short Title.

The ordinance codified in this chapter shall be known and may be cited as "The Historic Preservation Regulations of the City of Manitou Springs, Colorado." (Ord. 1102 § 2 (part), 2002)

17.04.020 Introduction and Purpose.

A. Introduction

1. By virtue of Chapter 17.08, Historic Preservation District(s) exist in Manitou Springs. Structures and Features in the Historic District are categorized as being either:

a. Contributing Significant
b. Contributing Altered
c. Noncontributing Compatible
d. Noncontributing Intrusive

B. The purpose of this chapter is to:

1. Promote the educational, cultural, economic, and general welfare of the public through the protection, enhancement, and perpetuation of districts of historic and cultural significance, and to instill and foster civic pride in the legacy and achievements of the past.

2. Improve the economic vitality of the historic areas of the community through encouraging and fostering historic rehabilitation of structures.

3. Promote compatible architectural design of infill structures.

4. Promote and encourage private rehabilitation and ownership of historic structures.

(Ord. 1102 § 2 (part), 2002)

17.04.030 Definitions.

(The following terms appear capitalized throughout this Chapter and Chapter 2.52.)

A. "Alteration" means any change or modification, through public or private action, to the exterior of any property located within an Historic District or to the interior areas of publicly owned Structures. Alterations include, but are not limited to, exterior changes to or modification of a Structure, architectural details or visual Characteristics such as: surface texture; surface paving; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property as viewed from a public right-of-way. Painting is not considered an Alteration unless the painted Features and/or unpainted Features are designated as significant or Characteristic of a Resource. Alteration also includes the Construction of new Structures, removal of significant trees and natural Features or the disturbance of archeological sites or areas.

B. "Characteristic" means the same as "Feature."

C. "City" means the City of Manitou Springs.

D. "Commission" means the Manitou Springs Historic Preservation Commission as established by Chapter 2.52.

E. "Construction" means any work for which a Building Permit Application is required, and also including installation of fences and installation or painting of signs.

F. "Contributing Resource" means a Resource within an Historic District that embodies the significant physical Characteristics and Features, or adds to

the historical associations, historic architectural qualities or archaeological values identified for an Historic District, and which was present during the Period of Significance, relates to the documented significance of the property, and possesses Integrity or is capable of yielding important information about the period. Contributing Resources may be designated as either Contributing Significant or Contributing Altered on the Resource Inventory.

G. "Demolition" means the complete destruction of a Resource or removal of more than thirty percent of the perimeter walls, or removal of any portion of a street-facing facade.

H. "Design Guidelines" means the principles contained in a document prepared by the Commission and adopted by the City Council that illustrate appropriate and inappropriate methods of Rehabilitation, Alteration and Construction.

I. "Feature" means fixtures and/or architectural elements embodying style, design, general arrangement and components or appurtenances attached to, contiguous to or otherwise related to a building, Structure or property including, without limitation, the kind, color and texture of building materials, landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, the type and style of all windows and doors, monuments, signs and other fixtures. "Feature" may include interior areas of publicly-owned structures that are accessible or made available to the public.

J. "Good Repair" means that level of maintenance and repair which clearly furthers the continued availability of structures for use and prevents their deterioration, dilapidation and decay.

K. "Historic District" means an area so designated by the City Council containing a significant proportion of buildings, structures, or sites which, considered as a whole:

1. Represents one or more distinctive styles or periods of architecture, or methods of Construction or both; or

2. Is associated with persons or events that have made significant contributions to the course of local, state, or natural history; or

3. Possesses a coherent and distinctive visual character or Integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combination thereof, which is deemed to add significantly to the historic value and attractiveness of properties within such area.

L. "Improvement" means any physical Feature that is not a natural Feature.

M. "Integrity" means the survival of a sufficient amount of a Contributing Resource's character-defining materials, design Features and building fabric, which allows the observer to comprehend the Resource as a product of its Period of Significance.

N. "Material Change of Appearance Certification (MCAC)" means a process, pursuant to this Chapter, for consideration of such plans, specifications, statements of work and any other information which is reasonably required to make a decision on any Proposed Project.

O. "Minimum Maintenance Requirements" means those standards adopted by the City requiring property owners to maintain in good repair the buildings, structures and lands within an Historic District.

P. "Noncontributing Resource" means a property or Structure within an Historic District that is not identified as a Contributing Resource and may be designated as Noncontributing Compatible or Noncontributing Intrusive in the Resource Inventory.

Q. "Ordinary Maintenance and Repair" means any work, the sole purpose and effect of which is to prevent or correct deterioration, decay or damage, including repair of damage caused by fire or other disaster and which does not result in a change in the historic appearance and materials of a property.

R. "Period of Significance" means the time during which a Structure or neighborhood gained historical significance.

S. "Planning Department" means the Manitou Springs Department of Planning and Community Development.

T. "Preservation" means the identification, study, protection, Restoration, Rehabilitation or enhancement of Resources.

U. "Primary Structure" means any Structure intended for long-term residential or commercial use.

For the purpose of this Chapter, Resources such as carriage houses or cottages shall be considered Primary Structures.

V. "Proposed Project" means any proposed Alteration, addition, Rehabilitation or Demolition to a property or any new Construction, when a MCAC is required.

W. "Quorum" means a simple majority of the Commission.

X. "Rehabilitation" means the act or process of returning a Structure to a state of utility through repair or Alteration which makes possible an efficient contemporary use while preserving those portions or Features of a Resource which are significant to its historical, architectural and cultural value.

Y. "Relocation" means the act or process of moving a Structure from one site to another site, or to a different location on the same site.

Z. "Resource" means any Improvement, Structure, archaeological Feature, natural Feature, object or site located within a Historic District, or in the case of an area nominated as an Historic District, outside of an existing Historic District. (See definitions for Contributing Resource and Noncontributing Resource.)

AA. "Resource Inventory" means a listing of Surveyed Resources which notes their significance to the City as adopted by resolution and as may be amended from time to time.

BB. "Restoration" means the act or process of accurately recovering the form and details of a Structure and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

CC. "Secondary Structure" means any Structure intended for vehicle or materials storage, animal habitation or for the purposes of retaining earth.

DD. "Staff" means the designated employee(s) of the City of Manitou Springs Planning Department.

EE. "Structure" means anything constructed or erected, including buildings intended for use or occupancy with substantial walls and roof, the use of which requires permanent location on the ground.

FF. "Survey" means a process by which Structures, Features, objects or sites within specified geographic areas are documented relative to their placement on the Resource Inventory or possible eligibility for consideration as an Historic District.
(Ord. 1102 § 2 (part), 2002)

17.04.040 Designation of Historic Districts.

A. The Commission may conduct Surveys and studies for the identification and designation of Historic Districts meeting the requirements established by this chapter.

B. A group of Resources may be designated by the City Council, upon the recommendation of the Commission, as an Historic District if:

1. The majority of the properties reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning; or

2. The majority of the properties convey a sense of historic or architectural cohesiveness through their design, setting, materials, workmanship or association; or

3. The majority of the properties have historic significance and retain a high degree of Integrity; or

4. The area in general is associated with an historically significant period in the development of the community or is associated with special historical events; or

5. The majority of the properties embody distinctive Characteristics of a style, type, period or method of Construction, or are a valuable example of the use of indigenous materials or craftsmanship; or

6. The majority of the properties represent the works of notable builders, designers or architects.

C. Designation Nomination.

1. An Historic District may be nominated by the City Council, the Commission, the owner(s) of the structure(s) to be designated or upon a petition from any person, group or organization.

2. No City permits shall be issued for any reason while an Historic District nomination is pending, except for Ordinary Maintenance and Repair that does not diminish the Integrity of any Resource.

D. Public Hearing.

1. Within one hundred eighty days of the receipt of a nomination, the Commission shall conduct a public hearing on such nomination and make a recommendation regarding the designation of an Historic District to City Council. Any recommendation in favor of designation, shall include a proposed ordinance establishing such Historic District and describing the boundary thereof.

2. Within sixty days of the receipt of the recommendation and proposed ordinance, Staff shall report to the City Council on the relation of such designation to the general development plan, Zoning Ordinance, proposed public improvements, and any other plans for the renewal of the area involved. Upon submission of the recommendation, or upon the expiration of the sixty-day period, the matter shall be transmitted to the City Council for consideration.

3. Discussion of the recommendation of the Commission and the Staff report shall be scheduled for the next, regular City Council worksession. The Council will then either schedule further discussion for another worksession, or proceed to consideration of the recommendation at the next, regularly scheduled meeting and conduct a public hearing on an ordinance establishing the proposed Historic District (if applicable).

E. Notification. Notice of the date, time, place and purpose of the hearing before the City Council shall be given in a newspaper of general circulation and be posted at all street intersections within the boundaries of a proposed Historic District not less than ten days nor more than thirty days prior to the date of the hearing.

F. Designation Ordinance.

1. An Historic District shall be designated by a numbered ordinance of the City Council. The Council shall consider the facts and findings submitted in the Commission's recommendation.

2. Each such designating ordinance shall include a description of the Characteristics of the Historic District which justifies its designation, a description of the key Features that should be preserved, a description of the location and boundaries of the Historic District (including assessor parcel numbers) and a map.

3. A list of all Resources in an Historic District, noting their designation as a Contributing Resource or Noncontributing Resource, shall be included with the designation ordinance.

G. Notice of Action.

1. Within thirty days of Council approval, Staff shall cause a copy of the designating ordinance to be recorded in the office of the County Clerk and Recorder.

2. Within ninety days of Council approval, Staff shall transmit a notice of the ordinance to owner(s) of all Resource(s) in the Historic District.

H. Repeal or Amendment of Designation. The City Council, after recommendation of the Commission, shall consider a repeal or amendment of a previously approved Historic District designation in the same manner provided by this Chapter for the designation of the Historic District if it no longer meets the designation criteria.

(Ord. 1102 § 2 (part), 2002)

17.04.050 Material Change of Appearance Certification (MCAC).

A. Required.

1. No Alteration visible from a public right-of-way of a Structure, exterior sign or historic landscape within an Historic District shall be made or permitted to be made by the owner or occupant thereof until an application for MCAC has been approved and, subsequently, any required permits have been obtained for such changes.

2. Any person, owner or other entity is required to apply for and receive approval of a MCAC for any Proposed Project in an Historic District including, but not limited to any of the following:

a. Any new Construction.

b. Any Restoration, Rehabilitation, Alteration, addition or change in the exterior size, configuration, fenestration or other permanent physical Feature.

c. Any change to major interior architectural Features of a publicly-owned Resource.

d. Any Alteration in the size, location, or appearance of any sign on property in the Downtown Zone as defined by the Zoning Ordinance of the City, which requires a permit and does not conform to the

provisions of the Design Guidelines or the City Sign Ordinance, or is an after-the-fact review.

e. The Demolition of a Structure (refer to Chapter 17.04.080).

3. In the following cases, a MCAC is not required, and Staff shall process the Proposed Project application without further reference to this Chapter:

a. When the application is for a permit to make interior Alterations only to a privately-owned Structure.

b. When the application is for a permit to do Ordinary Maintenance and Repairs only.

c. When any measures of Construction or Alteration are necessary to correct the unsafe or dangerous condition of any Structure, so long as only that Construction or Alteration necessary to correct the condition is performed.

4. It shall be the duty of the Commission to review all Material Changes of Appearance Certification applications for any Structure or site within an Historic District, except those which are exempt from review by the Commission. Other provisions notwithstanding, the Commission shall review all individually-listed National Register properties.

B. General Provisions for a MCAC.

1. All applications, and required materials, for Proposed Projects which require a MCAC shall be submitted to the Planning Department and accompanied by the appropriate application form, as developed by the Commission for this purpose, and applicable fee. The following information shall accompany the application:

a. Owner's name.

b. Street address of the proposal.

c. Developer or contractor's name, if other than the owner.

d. Architect's name, if commissioned.

e. Approximate dates of Construction of any existing Improvements on the property.

f. Site plan per Planning Commission requirements.

g. A description of any existing Improvements on the property.

h. A statement describing the scope of the project, the design intentions, and a comment on the project's visual impact on its surroundings.

i. A detailed description of the proposal. For a project involving commercial property, detailed line drawings or plans, drawn to scale and including colored elevations, must be submitted to receive approval of the project. A project involving residential property must have understandable drawings, drawn to scale, showing elevations, and clear details.

j. Description of the proposed type of all exterior materials.

k. Photographs of the existing property and its relationship to the surrounding area.

l. For Applications for properties in the Downtown Zone additional information or documentation may be required such as a photo simulation, massing model, streetscape elevation, streetscape or building perspective and extended site plan incorporating the existing Resources surrounding the proposed Construction which demonstrates its overall compatibility in relation to siting, scale, height and massing.

2. If an application for MCAC is found to be incomplete, it shall be returned to the applicant for revision. Applications will not be scheduled for Commission review until a complete application, as determined by Staff, is submitted.

3. The Commission shall provide detailed information on the MCAC hearing process in its By-laws.

4. Notice of an Application for a MCAC Hearing.

a. Notice of the date, time, place and purpose of the MCAC hearing shall be given in a newspaper of general circulation and be posted on the subject property not less than ten days nor more than thirty days prior to the date of the hearing.

b. Not less than ten days prior to the hearing date, a notice shall be mailed to property owners within a one hundred foot radius, excluding public rights-of-way, of the Proposed Project for which a MCAC is being sought.

5. The Commission shall approve the application only if it finds either:

a. That the proposed change is consistent with the Design Guidelines, or

b. That the denial of a Proposed Project would result in economic hardship as set forth in section 17.04.090 of this Chapter.

6. Except for MCAC proceedings under Section 17.04.080, the failure of the Commission to act within thirty days from the required submittal deadline date and filing of a complete application, unless an extension is agreed upon mutually by the applicant and the Commission shall be deemed to constitute approval. In the event, however, that the Commission shall make a finding that the circumstances of a particular application require more time for additional study and information than can be obtained within the aforesaid period of thirty days, then the Commission shall have a period of up to an additional thirty days within which to act upon such an application.

7. The Regional Building Department, the Planning Department, or any other local authorities shall not issue a regulated permit which authorizes an Alteration to a Resource within an Historic District until an MCAC has been approved. Such approvals are valid for one year from the date of issuance.

8. There shall be a final inspection and approval by Staff prior to final inspection by other governmental agencies having jurisdiction, e.g., Regional Building Department. The final approval certifies that the work is in compliance with the Commission approval.

C. Findings for MCAC.

1. The Commission shall approve, conditionally approve or disapprove submitted plans.

2. The Commission shall make its decision based upon this Chapter, the Design Guidelines, as adopted and amended, the contents of the application and the meeting record pertaining to the request.

3. If the Commission disapproves the submitted plans, it shall state its reasons for doing so and shall cause a written record of such action and reasons for disapproval to be transmitted to the applicant. Whenever possible, the Commission will recommend revisions of the applicant's plans if it disapproves the Proposed Project as submitted. The applicant may make modifications and resubmit the application at any time.

(Ord. 1102 § 2 (part), 2002)

17.04.060 Incentive Awards.

A. In order to carry out more effectively and equitably the purpose of this Chapter, the Commission may recommend that the Council, by resolution, adopt a program of economic and other incentives to support the Preservation, maintenance and appropriate Rehabilitation of the City's Resources.

B. When a proposed MCAC has been approved by the Commission, has been completed, and has passed final inspection by the Staff, the owner of the improved property (whether it be for commercial or residential use) shall be eligible to apply for the following incentive awards so long as said property is included in an Historic District:

1. Value Added Incentive Award.

a. An owner who constructs approved improvements to a Resource within an Historic District shall be entitled to claim an incentive award in an amount equal to one hundred percent of the City's share of income from ad valorem taxes so paid by said owner upon increased assessed valuation resulting from the improvements for the first five calendar years following reassessment of the property.

b. The amount of this claim shall be determined by applying the City mill rate levied in the year of the improvements to the difference between the assessed value before and after the improvements.

c. Said owner may make annual claims for this award in the same amount in each of the five years immediately following the year in which the assessor has increased the assessed value of the improvements.

d. The annual claim is to be made on a form to be designed by the Finance Director and accompanied by the County Treasurer's tax bill for the year before and the year after the improvements.

2. Use Tax Refund Incentive Award.

Any person who constructs approved improvements to a Resource within an Historic District shall be eligible to apply for an award of one hundred percent of the Use Tax collected on the actual price paid

for building materials and fixtures incorporated in the improvements. The term "actual price" is defined as the net result of reconciling the estimated Use Tax paid upon issuance of the building permit with the actual use tax paid upon completion of the improvements. An application for such an award shall be filed with the Finance Office.

3. Other Incentive Awards

Owners of property who qualify for incentive awards authorized in subsections (1) and/or (2) of this section are also eligible to apply for waiver of the following fees and charges specified elsewhere in the Municipal Code:

a. Up to one hundred percent of Planning Commission and Fire Department fees and charges;

b. Up to one hundred percent of Water/Sewer Department fees and charges specified as follows:

(1) Chapter 13.20.040(B) water System improvement fees.

(2) Chapter 13.20.050(B), Sewer System improvement fees.

(Ord. 1102 § 2 (part), 2002)

17.04.070 Maintenance of Structures.

A. General. Nothing contained in this Chapter shall be construed to prevent Ordinary Maintenance and Repair of any exterior Features of a Resource within an Historic District which does not involve any material change or modification of exterior Features. In such cases, the work shall be approved by Staff, and no MCAC from the Commission shall be required. Examples of this work shall include, but not be limited to, the following:

1. Caulking or re-glazing windows.

2. Exterior repairs using materials of like kind and quality to original.

3. Construction, Demolition or Alteration of side and rear yard fences.

4. Repairing or re-paving of existing paving, concrete work and walkways, if work complies with the Design Guidelines specifically in regard to colored concrete.

5. Repair or replacement of roofing materials, if no change in appearance occurs and either original materials are restored or materials which meet the Design Guidelines are utilized.

6. Repair or replacement of the building foundation, if materials which conform to the Design Guidelines are utilized and/or no change in appearance occurs.

7. Repair or replacement of an existing chimney, if materials which conform to the Design Guidelines are utilized and/or no change in appearance occurs.

8. Landscaping, unless the Resource Inventory designation specifically identifies the existing landscape layout, Features or elements as having particular historical, architectural or cultural significance.

9. Repair, replacement or installation of gutters and downspouts in compliance with the Design Guidelines if painted to match the building and no exterior trim elements are altered in any way.

B. Minimum Maintenance Requirements.

Every owner, person, business or entity in possession or control of a Resource in an Historic District shall keep, preserve and maintain the property and premises in Good Repair and free from structural defects through the prompt repair of any of the following:

1. Facades which may fall and injure members of the public or property.

2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which age, split or buckle due to defective material or deterioration.

4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or other protective covering.

6. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

(Ord. 1102 § 2 (part), 2002)

17.04.080 Demolition of Structures.

A. Prior to initiating an order for the Demolition of any Resource located within an Historic District, City Council shall obtain the advice of the Commission as to the historic significance of the Structure or architectural Feature for which Demolition is under consideration.

B. Final approval of any MCAC application for Demolition shall reside with the City Council.

C. The following process shall be utilized for the review of an application for Demolition:

1. The administrative review process shall be initiated upon the receipt of a Demolition application. Staff shall schedule complete applications determined to require Commission review for the next regularly scheduled meeting.

2. Prior to the initiation of Commission review, Staff will examine the application for completeness and to determine if the Structure in question is:

a. A Primary Structure over fifty years old, or less than fifty years old and either listed on the National Register of Historic Places or eligible for such designation; or

b. A Secondary Structure over fifty years old deemed important to the interpretation of the specific property or an Historic District as a whole.

3. If a complete application for the Demolition of a Structure is determined to qualify in one of the above categories in Section 17.04.080(C)(2), it shall be forwarded to the Commission for review and recommendation to City Council.

4. Structures that do not qualify per section 17.04.080(C)(2) shall be approved for Demolition administratively, unless Staff determines it is in the best interests of the Historic District or Resource to submit the matter to the Commission for review.

5. An application for the Demolition of a Structure shall be made in writing and be accompanied by the appropriate application form and fee. The following information pertaining to the Resource shall accompany the application:

a. Statements regarding the architectural and historical significance.

b. A report on the structural integrity, as provided by at least one certified, structural engineer.

c. The location within an Historic District, as shown on a vicinity map.

d. The economic feasibility of Rehabilitation, including the anticipated economic return after Rehabilitation has been completed.

e. The applicant's plans if the Demolition is approved. No removal or Demolition shall be considered if plans for the use of the property after Demolition are not provided. Such a plan should be in accordance with any adopted Design Guidelines.

f. Feasible alternatives to Demolition including, but not limited to, abatement of the immediate threat through repair, securing the premises through security fencing or other measures, stabilization and limited Demolition.

g. If Demolition is approved, proof that the owner has the financial ability, demonstrated by appropriate documentary evidence, to complete the proposed plans for the property.

h. Any other information which the Commission may deem appropriate to further the purposes and objectives of this Chapter.

6. If an application for Demolition is found to be incomplete, it shall be returned to the applicant for revision. Applications will not be scheduled for Commission review until such time as a complete application, as determined by Staff, is submitted.

7. A preliminary, fact-finding hearing to review the proposed Demolition before the full Commission shall be scheduled for the earliest regular meeting, not less than fifteen days or more than forty-five days after the date of filing the application.

a. No formal action will be made by the Commission at the preliminary hearing.

b. The Commission may require the applicant to provide more detailed information for the final hearing on a proposed Demolition.

8. After the preliminary, fact-finding hearing the application for Demolition will be placed on the agenda for the next regular meeting after the preliminary hearing. At the time of the final hearing, the Commission shall make a written recommendation to the City Council regarding the request for Demolition. The Commission may:

a. Recommend approval of the application for Demolition as submitted.

b. Recommend approval of the application for Demolition with conditions.

c. Recommend disapproval of the application for Demolition as submitted.

9. After final Commission action regarding the request for the Demolition of a Resource, the application will be placed on the next regular meeting of the City Council.

10. The purpose of the City Council hearing regarding the request for Demolition is not to re-hear the proposal or allow the applicant to present new or amended materials, but rather, to consider the recommendation of the Commission. The City Council shall consider the following when making its final decision:

a. Did the Commission follow and properly apply the intent of this Chapter in making its recommendation to the City Council? If the answer is yes, then the Commission's recommendation should be adopted.

b. Are there any other extenuating circumstances that the Commission could not consider, because such circumstances were outside the Commission's purview, that would affect the outcome of this decision?

(1) If the answer is yes, then re-hearing the application before the City Council may be appropriate.

(2) If the answer is no, then the City Council should enact the Commission's recommendation per Section 17.04.080(10)(a) above.

E. The City Council shall take any of the following courses of action:

1. Approve the application for Demolition as submitted.

2. Request more information from the applicant and place the request for Demolition on the agenda of the next regular meeting per Section 17.04.080(10)(b)(1).

3. Request more information from the applicant and require re-presentation of the request before the Commission.

4. Disapprove the application for Demolition. If the City Council disapproves the request for Demolition, the applicant and/or property owner must wait a twelve month period from the date of denial before re-submitting another request for Demolition of the Structure and must bring the Structure into compliance with the maintenance provisions in Section 17.04.070 of this Chapter. In no instance may a property owner allow a Structure to be effectively demolished through a lack of maintenance.

F. Any and all customary and reasonable costs incurred by the City to cover expenses for such things as engineering, architectural, and other consultations shall be charged to the applicant above and beyond other relevant fees.

G. Nothing in this Chapter shall be construed to prevent any measures of Construction, Alteration, removal, or Demolition necessary to correct the unsafe or dangerous condition of any Structure, other Feature, or parts thereof where such condition is declared unsafe or dangerous by the City Council upon the advice of either the Regional Building Department or the City Fire Department, and where the proposed measures have been declared necessary by the City Council to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed.

H. Applications for the Relocation of Resources within an Historic District shall be reviewed in the same manner as applications for Demolition.

I. Dangerous Structures Resulting from Natural Disaster.

1. The provisions of this section shall not be construed to regulate, restrict, limit or modify the authority of the City to administratively issue permits for the Demolition of a Resource in an Historic District, that is determined to be dangerous by damage from a natural disaster. However, the City will first determine:

a. Whether the condition of the Structure(s) is immediately dangerous within the meaning of the Municipal Code; and

b. Whether there are any feasible alternatives to Demolition that will adequately protect the health and safety of the public including, but not limited to, abatement of the immediate threat through repair,

securing the premises through security fencing or other measures, stabilization and limited Demolition.

2. If the City determines that the Structure is immediately dangerous and that there is no feasible alternative to Demolition, the City may issue a permit authorizing the Demolition of the Structure without complying with this Chapter.

J. Lawful Demolition or Removal.

1. When a Resource has been lawfully demolished or removed pursuant to any provisions of this Chapter, the Commission shall downgrade the property to a Noncontributing Resource designation.

2. Resources in which the Commission finds that more than fifty percent of the significant Features and Characteristics are destroyed by natural disaster(s) shall be considered lawfully demolished or removed for the purposes of this section.

(Ord. 1102 § 2 (part), 2002)

17.04.090 Economic Hardship.

A. General Provisions

1. The Commission may consider the nature and extent of economic hardship or of limitation(s) on the reasonable economic return or use of the property that could result should the application be denied, or the decision of Staff upheld. The Commission may require and consider any information, including documents and testimony of expert witnesses, as to the nature and extent of any economic hardship to the applicant which could result from the specific decisions of the City.

2. To prove the existence of a condition of economic hardship, the applicant must establish and the Commission must find the Resource is incapable of earning a reasonable economic return without making the Alterations or Demolition proposed. This finding shall be made by considering, and the applicant shall submit to the Commission evidence establishing, the following factors:

a. That an undue economic hardship to the applicant would result from denial or a recommendation of disapproval of the application, or from upholding the decision of Staff; and

b. That no feasible alternatives or mitigation measures are available to the applicant; and

c. That the applicant would not enjoy reasonable economic use or return from the property should the Proposed Project be disapproved, or the decision of Staff upheld; and

d. That the nature or extent of economic hardship that would result from the disapproval of a Proposed Project application would exceed the historic or cultural value of the Resource; and

e. The hardship is not created by the conduct of the applicant.

3. The current level of economic return on the Resource shall be established by considering, and the applicant shall submit to the Commission evidence establishing, the following information:

a. The amount paid for the Resource, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the Resource was purchased;

b. The annual gross and net income, if any, from the Resource for the previous four years; itemized operating and maintenance expenses for the previous four years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

c. The remaining balance on any mortgage or other financing secured by the Resource and annual debt service, if any, during the prior four years;

d. Real estate taxes for the previous four years and assessed value of the Resource according to the two most recent assessed valuations;

e. All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the Resource;

f. The current fair market value of the Resource at the time the application is filed;

g. Form of ownership or operation of the Resource;

h. Any state or federal income tax returns on or relating to the Resource for the previous two years.

4. If the owner and/or applicant claims that the Resource is not marketable or able to be sold when listed for sale or lease, the Commission shall consider, and the applicant shall submit evidence establishing, the following:

a. The sale price asked, and offers received, if any, within the previous two years;

b. Any statements or testimony offered by a real estate broker or firm engaged to sell or lease the Resource;

c. Reasonableness of the price or lease sought by the owner;

d. Any advertisements placed for the sale or lease of the Resource.

5. If the owner and/or applicant claims that there are no feasible alternative uses which enable the Resource to earn a reasonable economic return, the Commission shall consider, and the applicant shall submit evidence establishing, the following:

a. A report from a licensed engineer or architect with experience in historic restoration or Rehabilitation as to the structural soundness of the Resource and its suitability for Restoration or Rehabilitation;

b. At least two competitive estimates of costs for the proposed Alteration and any additional costs that would be incurred to rehabilitate the Structure in accordance with the Design Guidelines;

c. Estimated market value of the Resource in the current condition and after completion of the proposed Alteration; and, in the case of proposed Demolition, after Rehabilitation of the Resource for continued use;

d. In the case of proposed Demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or Rehabilitation as to the economic feasibility of Rehabilitation or reuse of the existing Resource;

e. The unfeasibility of new Construction around, above, or below the Resource.

6. The Commission may also consider any potential economic incentives and/or funding available to the owner through federal, state, county, City or private programs.

7. Notwithstanding the foregoing enumerated factors, the applicant may also provide other appropriate factors applicable to economic return that they deem necessary.

B. In order to decide on the above issues, the Commission shall have the authority to request additional facts, documents or expertise beyond those provided by the applicant. The cost(s) to the applicant, if any, to provide such additional facts, documents or expertise as may be requested by the Commission may be considered if or when the nature and extent of relief to be granted, if any, is decided.

C. The Commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the Resource, the availability of incentives and the economic impacts of approval or disapproval of a MCAC application.

D. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a MCAC application.

(Ord. 1102 § 2 (part), 2002)

17.04.100 Appeals.

A. In accord with the following provisions, any applicant or other interested person dissatisfied with any action taken under this Chapter may appeal such action and decision:

1. Unless otherwise indicated, appeals of the decision(s) of the Staff in taking any of the actions authorized by this Chapter, shall be made to the Commission. Appeals of the decision(s) of the Commission in taking any of the actions authorized by this Chapter shall be made to the City Council.

2. Unless otherwise indicated, all appeals shall be made in writing and be accompanied by the appropriate fee. Appeals must be received by the Planning Department not later than ten working days following the date of action from which such appeal is being taken.

a. The letter of appeal must state:

(1) the specific action objected to;

(2) the action appellant requests the Commission or City Council to take;

(3) the reason for the appeal; and

(4) the name, address and telephone number of the appellant or contact person if there are multiple appellants.

3. Within three working days of receipt of the appeal, Staff shall examine the appeal, and if it is found to be incomplete, return it to the appellant for revision. Appellant shall have five working days to

file an amended appeal. Upon failure to file an amended appeal within said five days, the appeal shall be deemed withdrawn.

4. The receipt of a written appeal shall stay all actions, or put in abeyance all permits or other discretionary approvals which may have been granted, pending the effective date of the decision of the body hearing the appeal.

5. Appeals shall be scheduled for the next regular meeting of the hearing body, consistent with the agenda preparation procedures and schedule of the hearing body.

6. Appeals from the decision or actions of either Staff or the Commission shall be reviewed on the basis of the record of the decision or meeting to determine whether or not the Design Guidelines were adhered to.

(Ord. 1102 § 2 (part), 2002)

17.04.110 Enforcement and Penalties.

A. General.

1. Enforcement.

a. The City, or its designee, is hereby authorized to enforce the provisions of this Chapter and, in addition, all other available powers authorized under City ordinance or statute. The City Attorney is authorized to take such legal actions as are provided under City ordinance or statute.

2. Civil Penalties.

a. In addition to any other remedy or relief to which the City may be entitled, any person or entity who violates or fails or refuses to comply with any requirement of this Chapter shall be punishable as provided in Section 1.01.100, as amended, of this Code of Ordinances; and

b. For any Demolition, in whole or in part, of a Resource in an Historic District without a MCAC pursuant to this Chapter and in addition to the above penalty, no building or use permits will be issued for any development or use of the subject property for a period of ten calendar years following conviction of the offense.

3. Restoration Required. Any person, business or entity who constructs, alters, removes or demolishes a Resource in an Historic District, or an interior area of a publicly-owned Structure in violation of this Chapter shall be required to restore the Structure to its appearance or setting prior to the violation to the extent such Restoration is physically possible. Any action to enforce this provision may be brought by the City or any other interested party. This civil remedy shall be in addition to, and not in-lieu of, any criminal prosecution and penalty or other remedy provided by law.

4. Private Right of Action. Any person, entity, association or organization aggrieved by a violation of any provision or requirement of this Chapter shall be entitled and have the right to file an action and/or proceeding against any owner(s) of a Resource and/or property described in the Resource Inventory to enjoin any such violation of this Chapter or to compel compliance with any provision or requirement of this Chapter. Any such person, entity, association or organization which prevails or is successful in any such action or proceeding shall be entitled, in addition to any other relief, to recover all reasonable costs, expenses and attorneys fees incurred in such action or proceeding.

(Ord. 1102 § 2 (part), 2002)

17.04.120 Withdrawal Provisions.

A. For the Historic District established in Chapter 17.08, as amended, the following provisions will apply:

1. Property within the boundaries of the Historic District which has been withdrawn from the district shall be re-included in the Historic District at such time as the property is hereafter sold or conveyed to another owner or owners. Re-inclusion shall not occur if the conveyance is by personal representative's deed, or by operation of joint tenancy, to an heir at law of the present owner or owners, or if the conveyance is through repossession or foreclosure. The burden of proof shall be upon such heirs to demonstrate such conveyance.

2. Withdrawal of a property from the Historic District does not remove the property from the maintenance requirements contained in Section 17.04.070

or the Demolition review and approval requirements contained in section 17.04.080 hereof. (Ord. 1102 § 2 (part), 2002)

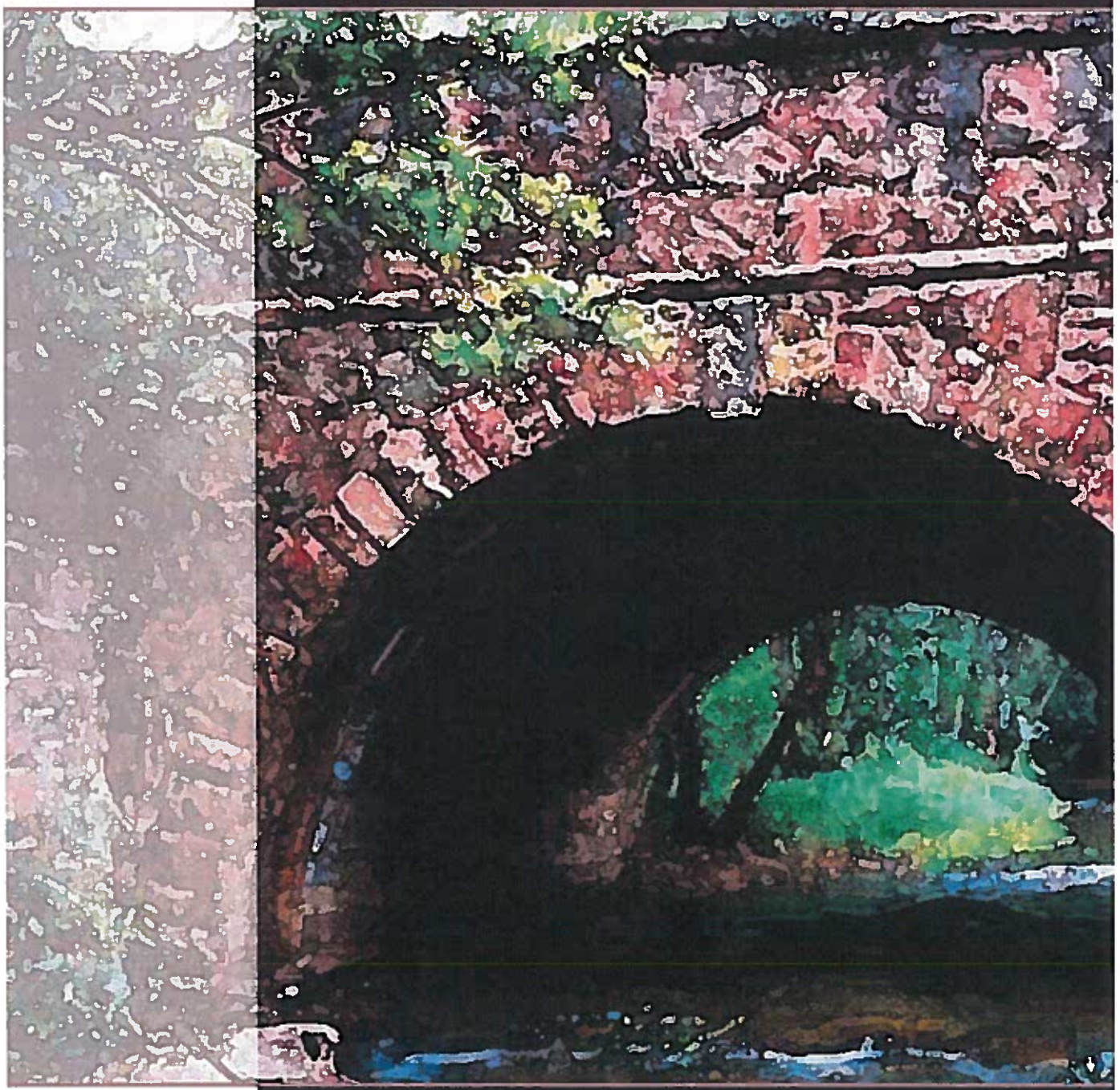
17.04.130 Severability.

Should any article, section, clause, or provisions of this Ordinance be declared by the court to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid. (Ord. 1102 § 2 (part), 2002)

EXHIBIT B - MANITOU SPRINGS, CO

City of Maniton Springs, Colorado

Historic District Design Guidelines



July 2009

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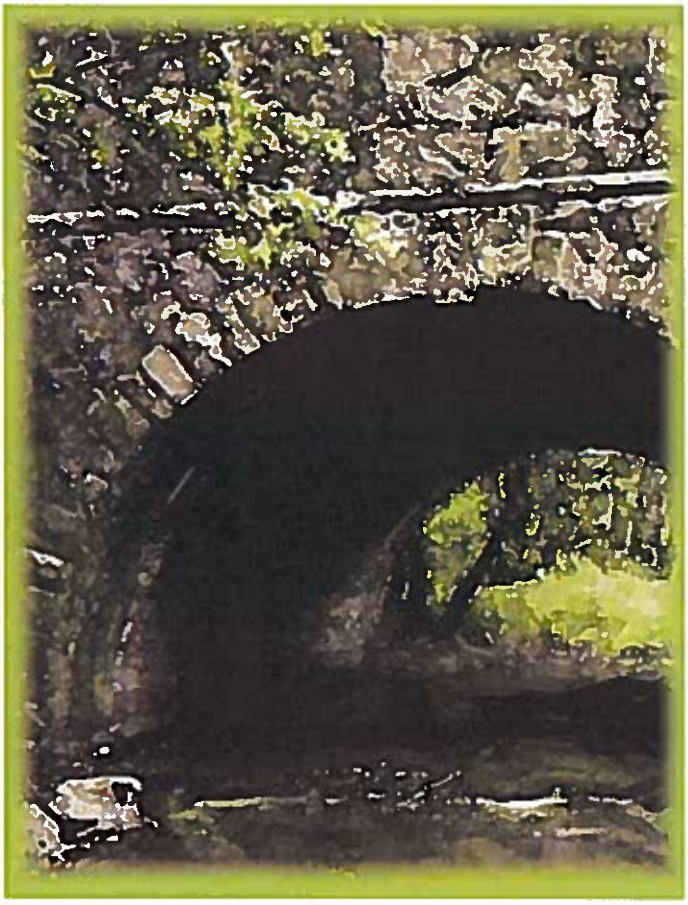
City of Manitou Springs, Colorado

Historic District Design Guidelines

Adopted 2009

CHAPTER 7

Guidelines for New Construction in the Commercial Core Subdistrict



Chapter 7: Guidelines for New Building Construction in the Commercial Core

The Commercial Core embodies those picturesque qualities that create a unique identity for the City of Manitou Springs and serves as a vital, active hub for business and tourism. The Commercial Guidelines seek to protect the characteristics of the subdistrict and also encourage creativity that is equally a part of the City's tradition. Unlike other chapters, Guidelines for additions and/or rehabilitation of existing contributing and noncontributing buildings and for construction of new structures in the Commercial Core are included in this Chapter.

Architectural diversity is a critical component to the eclectic character of the Commercial Core of Manitou Springs. Existing historic resources represent a variety of specific architectural styles. Designing a commercial or mixed use building to complement an historic context requires three primary components:

1. An analysis of existing patterns along the street
2. An understanding of key attributes of the Commercial Core
3. Identification of the fundamental components of historic structures: building orientation, building mass and scale, building form and architectural detailing

Any alteration, addition or new construction within an historic context should reinforce existing development patterns. Imitating historic building styles and construction in order to make a new building appear to be an historic building is inappropriate and can result in a "theme" that many people refer to as a "Disneyland" approach to design and construction - meaning what is being constructed is not "real". The age of a structure should be readily apparent by its style, detailing, material and construction.

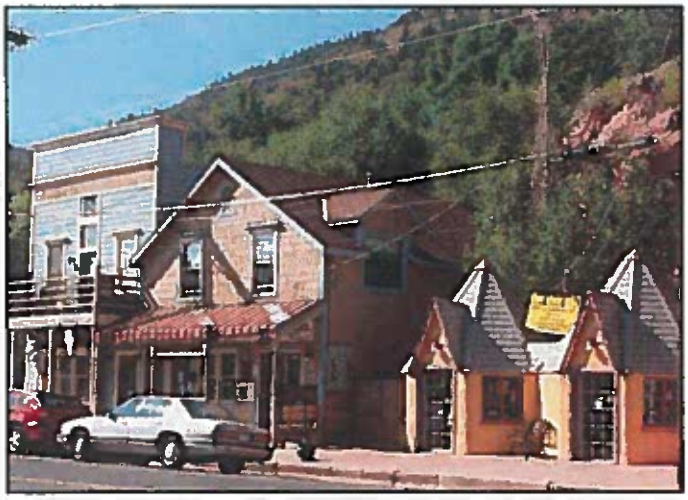
Key Features of Historic Context

By analyzing existing development patterns, it is possible to identify a series of features that contribute to the character of the Commercial Core Subdistrict. They include consistent building alignment along the edge of the sidewalk, building orientation and the relationship of the front door to the street and the mass, scale and form of a structure. By analyzing the attributes of existing buildings and their relationship to each other, it is possible to design an alteration, addition or a new building that is compatible with the existing historic context.

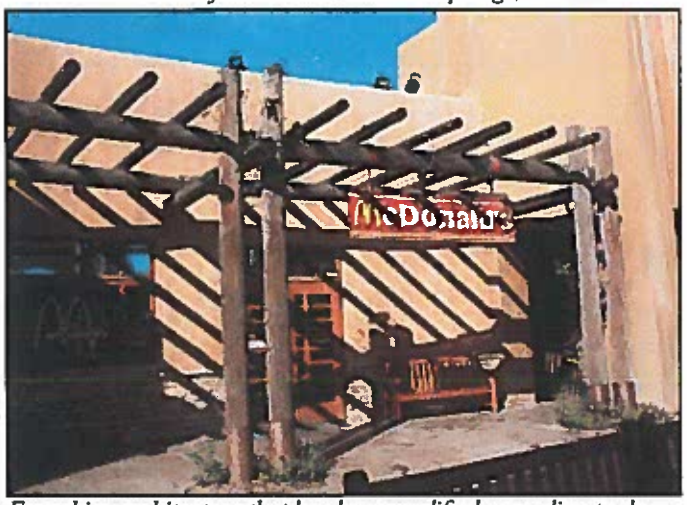
Key Features of Historic Structures

Historic commercial structures include a palette of readily-identifiable architectural features such as front entries, display windows, architectural detailing and awnings. When each of these design elements is integrated into a new structure, the overall composition should result in visual compatibility with other historic structures. Incorporation of these elements can result in a project that complements the core, enhances the historic context and preserves the

This building contains several historic attributes: display windows along the first floor, stone masonry detailing and a recessed entrance. Manitou Avenue, Manitou Springs, CO



Manitou Avenue exhibits diverse architectural styles that result in the eclectic charm of downtown. Manitou Springs, CO



Franchise architecture that has been modified according to design guidelines for a community in New Mexico.

This example of corporate architecture integrates native materials and architectural detailing into the building form. Silverthorne, Colorado

integrity of the subdistrict. A few of these elements are listed below:

1. Building materials such as stone and brick that reflect permanence espoused by city founders and subsequent builders
2. The natural setting that includes steep and undulating topography, meandering paved streets and Fountain Creek, which weaves through downtown and includes a series of historic stone bridges
3. The craftsmanship of buildings, bridges and retaining walls constructed of finely cut and fitted materials with intricate detailing
4. Color palettes and plant material that complement the area's predominant red and green stone and its semi-arid, mountain environment
5. An appreciation of and respect for the views from downtown to surrounding hillsides and from hillsides across the valley to the mountains beyond that create a spectacular backdrop for the community

Franchise Architecture

A major issue facing historic downtowns concerns franchise architecture and the impact that franchised designs have on the character of a community. Many communities throughout the country have adopted design standards that require national franchises to respond to local character and image concerns by altering prototype architectural and landscape plans. The impact of one unsuitable building or development is disruptive and jeopardizes the architectural integrity of a community that is interested in preserving its historic character. Issues and impacts associated with commercial franchise designs include:

1. Oversized signage
2. Unarticulated (long and straight) façades on "big box" storefronts that do not contain pedestrian-scaled architectural details
3. Site planning that emphasizes automobile access and surface parking with nominal regard for pedestrian safety as well as minimal pedestrian connections to adjacent properties
4. Architectural forms that serve as corporate sig-

nage; often times, combinations of massing and architectural detailing result in distinct building typologies that consumers identify with specific restaurants and/or services

5. Architectural detailing such as awnings, over-sized doors and windows, roof forms and other elements that do not respect historic context or features
6. Primary building entrances that orient toward parking lots rather than a pedestrian-oriented street.

7.1 The architecture, architectural details and lighting typically associated with franchise development shall be tailored to reinforce the design traditions of Manitou Springs.

- Prototype or "cookie-cutter" architecture is not appropriate in the Commercial Core. National franchises shall comply with the Commercial Design Guidelines contained in this document.

Building Alignment

Building alignment in the Commercial Core responds directly to the street edge. The uniform "wall" of building fronts (i.e. the street "wall") is critical to maintaining the integrity of the Commercial Core and should be preserved.

7.2 Align a new building to match the alignment of adjacent structures to maintain visual continuity along the street edge.

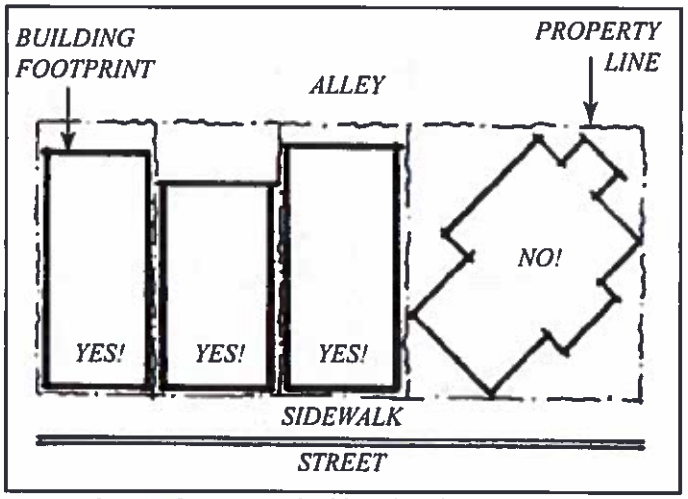
- The majority of commercial structures abut the front property line and this tradition should be respected and maintained.
- When a portion of the front façade must be setback from the sidewalk edge, use structural components such as railings, walls in addition to changes in paving to define the sidewalk edge.

Building Orientation

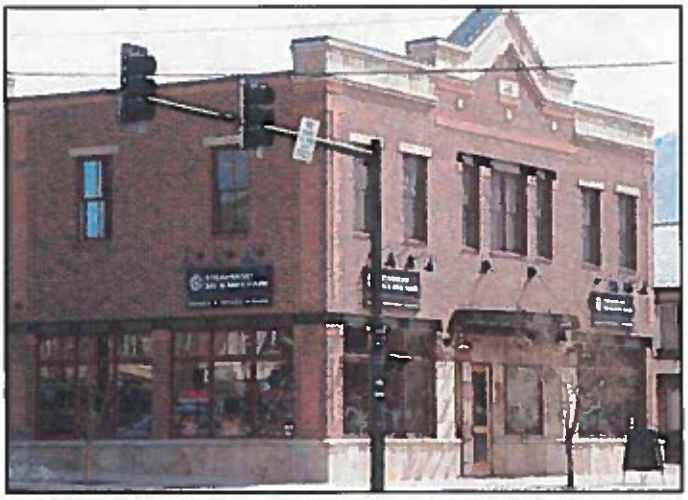
Commercial buildings in the Commercial Core were typically oriented toward the street. This allowed for

Most buildings in the commercial core abut the sidewalk edge and are located on the front property line. Manitou Avenue, Manitou Springs, CO

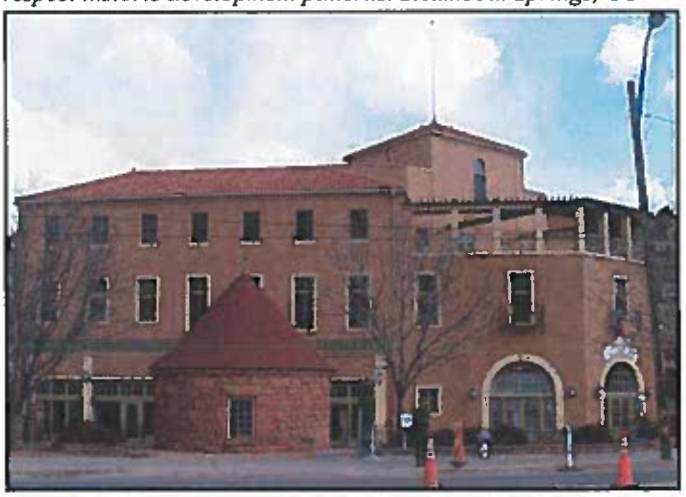
Infill and redevelopment should respect existing building alignments.



Locate the primary building façade along the street edge.



This new building occupies the corner of the street; display windows and a recessed entrance are visible from the sidewalk and respect historic development patterns. Steamboat Springs, CO



Larger buildings are concentrated along the valley floor. The Spa Building, Manitou Avenue, Manitou Springs, CO

This building occupies one entire block, but the façade has been subdivided into modules to reflect historic building widths seen elsewhere in the city. Boulder, CO

easy pedestrian access from the street to the front door and allowed pedestrians to see goods that were on display in the large windows on the first floor of the building. Locating the front façade of the building along the primary street creates visual interest along the street edge and reinforces development patterns traditionally seen in the Core.

7.3 The front façade of a new building or commercial building undergoing renovation shall orient toward the street or primary pedestrian thoroughfare.

- The front façade should parallel the sidewalk edge and/or curb to allow both display windows and building entrances to be visible from the street.

Mass and Scale

Buildings in the Commercial Core range from one story to over five stories for some of the older spa and lodging establishments. Each block offers unique combinations of building heights, but an overall sense of unity in scale is achieved and has been maintained over time. Traditionally, most commercial structures, especially in the 900 block of Manitou Avenue are two stories in height. There are several larger structures in the Commercial Core, including the Barker House and the Spa Building, which are located in the valley floor, in close proximity to the Fountain Creek drainage; the surrounding hillsides create a backdrop for the larger structures that minimizes the overall mass and scale of these structures.

7.4 The height and width of a building shall be similar to existing historic structures in the Commercial Core.

- Maintain the traditional range of building heights seen on the block.
- Buildings should appear similar in width to historic structures on the same block.
- On blocks where the typical storefront is approximately 25' to 30' wide, consider dividing larger structures into smaller modules. Large buildings should include variation in wall plane and the overall building length

should be articulated by offsets, structural delineation, exterior trim and/or awnings to reduce the overall building mass along the street edge and provide visual interest.
- Upper stories may be added to existing buildings, but should be set back from the original façade to maintain the architectural integrity of the original structure.

Building Form

One of the most unifying elements of Manitou Springs is the similarity of building form. Existing, contributing, commercial buildings are typically comprised of a hierarchy of simple rectangular forms, typically taller than wide.

7.5 The form of an addition, alteration or new building shall be similar to existing historic structures located in the Commercial Core.

- Rectangular forms, including balconies, windows and doors are the dominant shape of buildings in the Commercial Core.

Roof Form

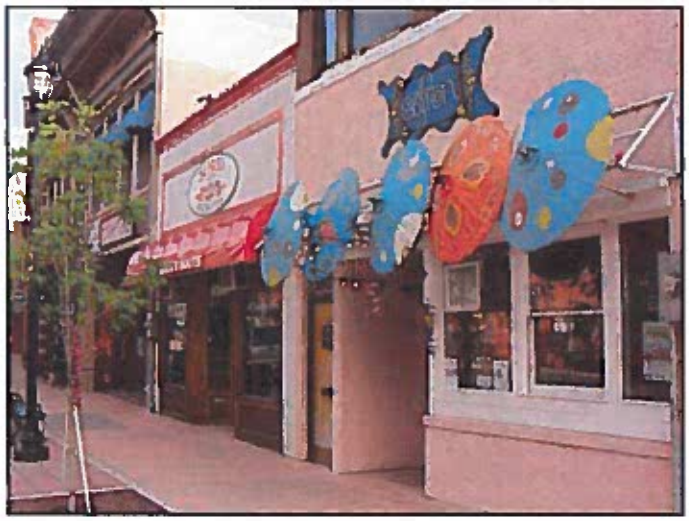
Roof forms are primarily flat; this is an important characteristic of commercial development in the Commercial Core and should be maintained and reflected in new infill and redevelopment projects.

7.6 Flat roofs should be the dominant roof form.

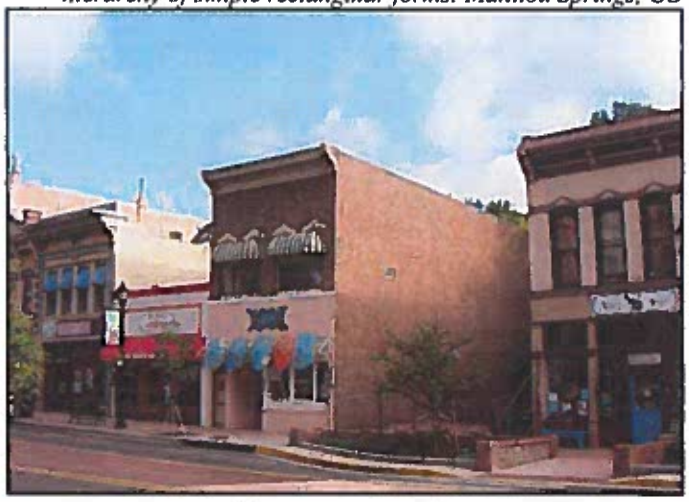
- A gently sloping roof that slopes to the rear of the building or a flat roof should be used on all building rehabilitations and new infill and redevelopment projects.
- Parapets on side façades should step down toward the rear of a building.
- Gabled roof forms may be considered if they are obscured from public view by a "false front" storefront similar to historic false-front storefront.

Storefronts

The Commercial Core should continue to evolve as a pedestrian-oriented environment. Streets, sidewalks,



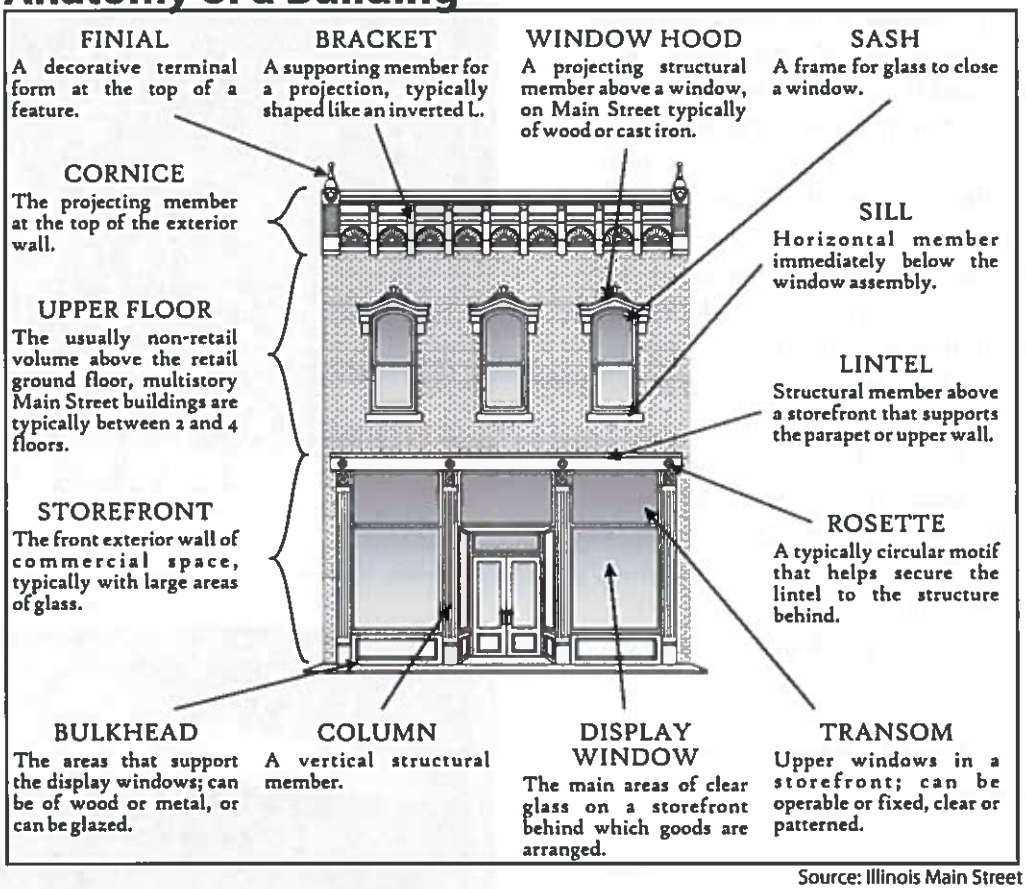
Buildings along Manitou Avenue are typically comprised of a hierarchy of simple rectangular forms. Manitou Springs, CO



Flat roofs are the dominant roof form in the Commercial Core. Manitou Springs, CO

Street level features are clearly distinguishable from upper stories. Manitou Springs, CO

Anatomy of a Building



Source: Illinois Main Street

This commercial redevelopment project includes new interpretations of storefront features such as display windows, recessed entrance and decorative elements that result in a visually interesting building at the street edge. The distinction between the street level and upper level floors is readily apparent due to changes in moldings, windows and window alignment. Boulder, CO

alley connections, pedestrian connections to adjacent neighborhoods and open spaces including parks and plazas should encourage walking and pedestrian activities. Buildings should be visually interesting and offer opportunities to display retail goods. Emphasizing the traditional attributes of historic storefronts is important to maintaining the vitality of downtown.

Street level architectural features on historic structures are clearly distinguishable from upper stories. First floors include display windows and recessed building entries resulting in a solid-to-void (wall-to-window) ratio that is significantly different from the upper stories. Upper stories typically include smaller, double hung windows and larger spaces of wall between windows.

7.7 Infill and redevelopment in the Commercial Core shall contribute to the pedestrian-friendly environment by providing an active, engaging and visually interesting street edge.

- New interpretations of traditional building styles are encouraged. A new design that integrates traditional building components is preferred and allows a building to be understood as a product of its own time as well as compatible with neighborhood historic structures.
- The building façade should appear predominately "flat" with windows and doors inset from the front wall plane. Decorative elements should be subordinate to the dominant form.
- Design the ground floor level of all projects to promote pedestrian activity; storefronts should be located at street level and include features such as display windows, transoms and recessed entries. Display windows highlighting retail goods and/or services are preferred.

7.8 Maintain the distinction between street level and upper stories.

- Traditional floor heights should be expressed using a belt course, moldings, windows and window alignment and other architectural details traditionally used to delineate each story of a building.
- The ratio of solid-to-void (wall-to-window/doors) should be similar to that seen traditionally on commercial storefront buildings in the Commercial Core.
- First floors should be more transparent than upper floors and upper floors should be more solid (wall) than lower floors. The first floor of a commercial façade should be primarily transparent glass. Highly reflective materials and/or tinted glass are inappropriate.
- Upper-story windows with vertical emphasis are encouraged; a traditional upper story window is twice as tall as it is wide.

7.9 Building entrances shall appear similar to those used on contributing buildings in the Commercial Core.

This new building contains a recessed building entrance located on the corner of the street. Architectural columns are located along the property line to maintain alignment of the building along the street edge. Boulder, CO

This new building uses architectural details and awnings to identify the location of the building entrance. Steamboat Springs, CO

Alignment of architectural details along the street edge can reinforce the overall scale and character of a street. Denver, CO

Architectural details should create a composition along the street edge. Boulder, CO

Architectural details combine to establish a distinct character. Boulder, CO

The new window mullions located in the display windows distract from the historic façade. Denver, CO

- Clearly define the building entrance with a recessed door, awning, canopy or other architectural features.
- A contemporary interpretation similar in scale and character to those seen historically is encouraged.
- Typically, a front door should be recessed approximately 4'-0" to create a threshold for pedestrian access.
- When entrances are recessed, upper floors should be used to maintain alignment of the front building façade at the sidewalk edge.
- Transoms should be located over front entrances to maintain the full height of the storefront.
- The entrance should be at street level to maintain the grade between the sidewalk and the first floor of the building.

Architectural Details

Patterns are created along the street by the repetition of similarly sized building elements. Windows, ornamentation, cornices and structural columns recur frequently on historic commercial building façades. These details add depth to a relatively "flat" façade and create shadows that result in a three-dimensional character. They combine to form a cohesive composition for each building. Patterns within a façade composition create visual interest along the street edge.

Detail alignment is also important and reinforces the overall scale and character of downtown. Window moldings at the top of display windows, cornices, window sills and headers can each be aligned and result in an overall composition along the street edge that is one of the strongest characteristics of the Commercial Core.

7.10 The front façade of a commercial building shall be visually compatible with historic commercial structures located in the Commercial Core.

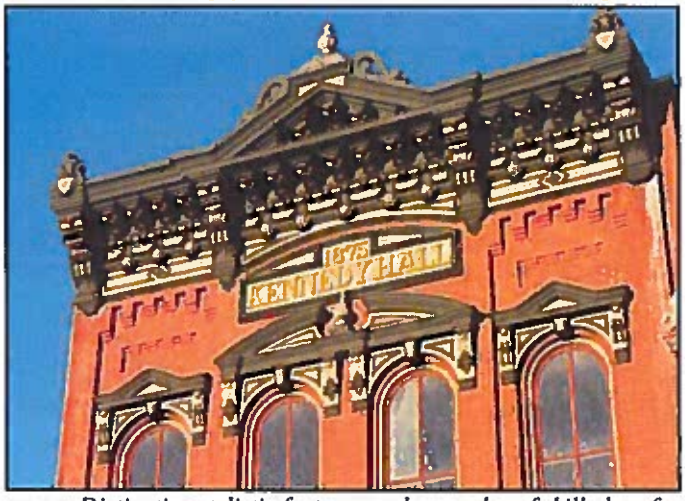
- Window moldings, tops of display windows, cornices, transoms and parapets should cre-

ate a composition along the street edge that is compatible with adjacent structures.

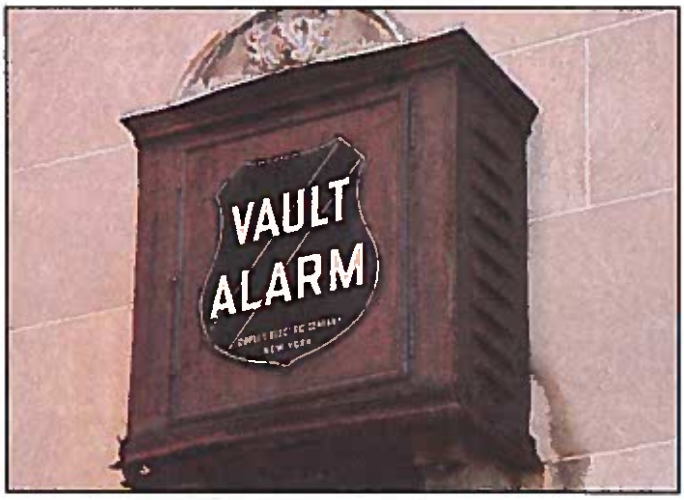
- When large buildings are designed to appear as several, smaller, individual building widths, architectural detail alignment should vary slightly to reinforce the overall reduction in building mass.
- Trim dimensions should reflect those dimensions traditionally seen on historic commercial structures.

7.11 Architectural details combine to establish distinct character and shall be preserved, whenever feasible. Damaged and/or missing detailing shall be replaced and shall match the original detailing.

- Avoid removing or altering any significant architectural detail.
- Avoid adding decorative elements or details that are out of scale or character with the original building. Details such as decorative millwork or cornices should not be added to a building if they were not an original feature of that structure.
- Distinctive stylistic features and examples of skilled craftsmanship should be treated with sensitivity.
- A damaged detail should only be removed and replaced when repairing that detail is not feasible. Isolate and stabilize areas of damage.
- Use approved techniques for cleaning, refinishing and repairing architectural details. When selecting a preservation treatment, use the least invasive, cleanest means possible to achieve desired results. Treatments such as rust removal, caulking, limited paint removal and reapplication of paint are recommended. A list of National Parks Service Technical Briefs pertaining to building preservation is available at the Planning Department.
- When disassembly of an historic element is necessary for restoration, use methods that minimize damage to the original material. Document and label each piece of a disas-

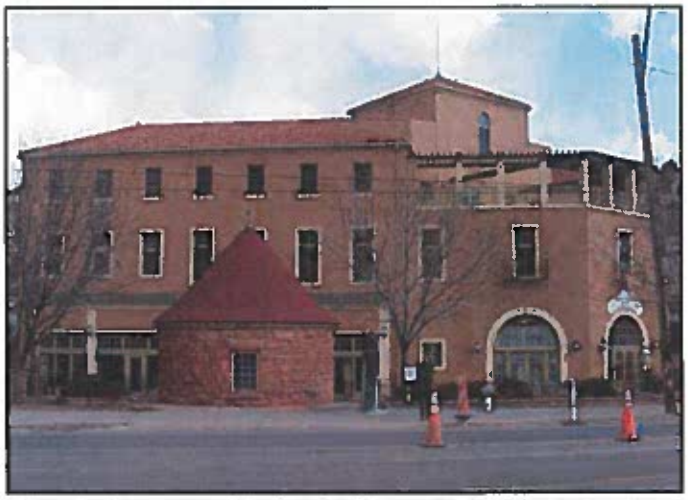


Distinctive stylistic features and examples of skilled craftsmanship should be treated with sensitivity. Troy, NY



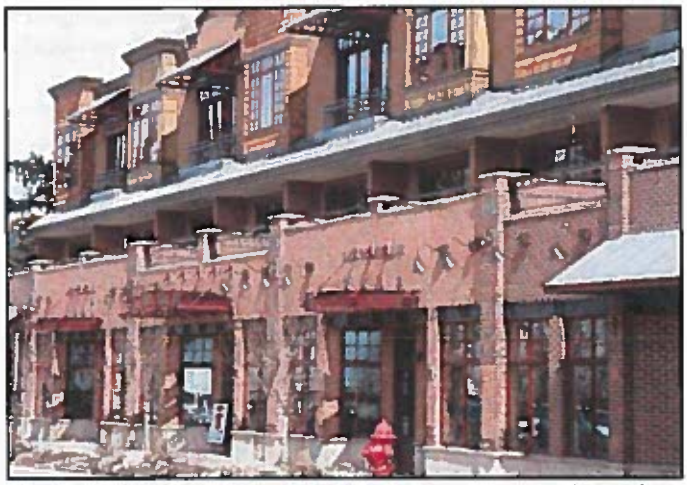
Avoid removing architectural detailing. This old alarm detail adds character and interest along the street. Troy, NY

A new building entrance was cut into the side of this historic structure. The added canopy obscures architectural detailing. Denver, CO



The adaptive reuse of the Spa Building resulted in an extensive interior renovation that also reinforced the original detailing of the exterior of the original building. Manitou Springs, CO

New window mullions, recessed entrances and signage maintain the character of this contributing commercial building. Denver, CO



New buildings should use materials that contribute to the traditional sense of human scale as viewed from the street. Steamboat Springs, CO

sembled element in a manner that allows reassembly in the exact location.
- If substitute materials must be used, the materials should match the visual appearance of the original materials in design, scale, proportion and finish.

7.12 Replacement of missing or deteriorated details shall be based on original features.

- The design should be substantiated by historic photos or physical evidence to avoid creating misrepresentation of the building's heritage.
- When inadequate information exists to allow for accurate reconstruction, use a simplified interpretation of the original. The new element should still relate in general size, shape, scale and finish.
- Do not introduce new architectural detailing or decorative elements that are out of character with the architectural style of the building. DO NOT GUESS – RESEARCH historic designs for replacement parts.
- Salvaged materials from buildings of the same architectural style are encouraged.

Materials

Maintaining the condition of historic building materials is the most important measure for protecting the character of the Historic District. The repetition of the patterns created by building materials contributes to the visual continuity of the District. Materials found frequently are clapboard, shingles, masonry and stone. Unfinished materials, such as concrete block, are not typical.

New research about how historic building materials respond to various modern methods of renovation continues to improve our ability to maintain and repair historic features of treasured buildings. In some cases, research has identified problems with earlier rehabilitation techniques, in which the efforts to improve the building have actually caused damage. Additional information regarding maintenance of brick,

stone, mortar and clapboard can be found in Appendix B.

7.13 To the extent feasible, maintain original materials, textures and finishes on the existing buildings.

- Avoid covering or removing historic building materials when renovating.
- In instances where original materials no longer exist, use similar historic buildings or original photographs as a guide to determine appropriate materials and exposures.

7.14 Additions to the existing building should employ materials and finishes that maintain the scale and character of the original structure.

- New materials should complement the materials used on the original structure.
- Use of highly reflective materials is discouraged.
- On additions and alterations, match the exposure of clapboard or shingles to any existing materials on the building.
- New materials can be introduced if they result in a cohesive appearance, which integrates the new with the old.

7.15 Infill and redevelopment projects in the Commercial Core shall be constructed of materials that appear similar to those of existing contributing structures and establish a sense of visual continuity.

- Brick, stone and wood are the existing dominant materials and their use in new construction is preferred.
- Materials and finishes that maintain the scale and character of contributing structures along the same street are encouraged.
- Use of highly reflective materials is discouraged

Maintain original materials, textures and finishes on the existing commercial buildings. Canon Avenue, Manitou Springs, CO

Materials found frequently in the Historic District include stone, similar to this structure at 515 Manitou Avenue. Manitou Springs, CO

Materials and finishes on new structures should complement the scale and character of the Historic District. Canon Ave, Manitou Springs, CO

Awnings should reflect the shape of the window that is being shaded; arched or rounded awnings should only be used to shade arched windows. Troy, NY

Awnings should reflect the shape of second story windows. Troy, NY

These awnings reflect the length of the display windows and contribute to the character of the building. Manitou Avenue, Manitou Springs,

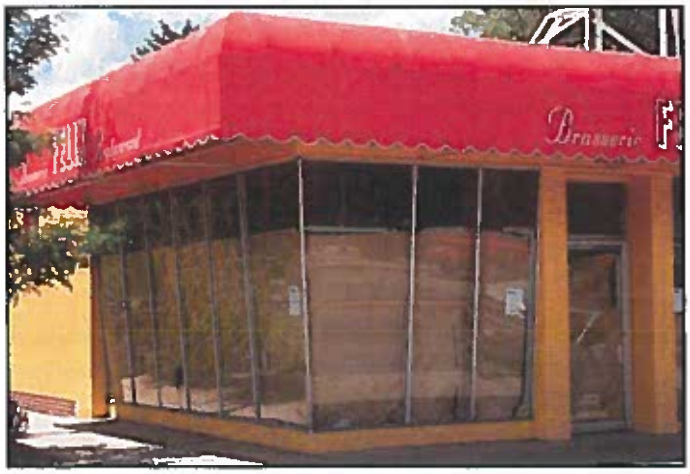
- Windows should be trimmed with wood, painted metal, anodized aluminum or other comparable materials.

Awnings

Projecting shade elements add visual interest and color to a building façade and can influence the perceived scale of a building from the street.

7.16 Awnings shall be compatible in size and shape with those found on historic buildings and depicted in historic photographs.

- Awnings should reflect the shape of the window that is being shaded; arched or rounded awnings should only be used to shade arched windows.
- Awnings should be mounted at least 8'-0" above grade to allow for pedestrian activities under the awnings and shall not project more than 4'-0" from the face of the building into the public right-of-way.
- Awning pitch shall not exceed 10:12 and front face of the awning should be no more than 33% of the total height of the awning.
- Signage on awnings should be limited to the front face of the awning that parallels the front building façade.
- Awnings should be constructed of canvas over a permanent metal frame.
- Wood mansard awnings, wood shingles and/



This awning is too big for the building and conceals architectural detailing that contributes to the building's character. Denver, CO

or aluminum awnings are inappropriate and should be replaced with canvas.

Nonconforming Commercial Buildings

Noncontributing structures within the Commercial Core represent a variety of architectural styles and time periods. These structures are either less than 50 years old, or are older structures that have withstood significant alterations resulting in overall loss of architectural style, character or historic significance.

While improvements to these structures do not warrant extensive regulation, it is important that additions and/or alternations respect and contribute to the character of the Commercial Core Subdistrict.

7.17 Additions and/or alterations to non-contributing structures shall enhance the existing neighborhood and improve compatibility with adjacent, historic contributing buildings.

- A critical component to the Commercial Core is the consistent alignment of commercial facades that flank Manitou Avenue. This is a direct result of established, historic setbacks that creates visual continuity along the street edge.
- Additions and/or alternations should not overwhelm adjacent commercial structures or draw undue attention to itself.
- New additions and site improvements to noncontributing structures and/or properties shall be compatible with the existing historic context of the Commercial Core Subdistrict.
- Building forms should be similar in form to those seen in the Commercial Core and not detract from the visual continuity of the street.
- Roof form, window proportion and door location are traditional building components whose dimensions can impact the scale and character of additions and/or alterations both at street level and on upper stories.

Façade and site improvements have resulted in loss of architectural style and character. Manitou Springs, CO

Facade renovations have eroded the character and historic significance of the original structure. Fayette, Missouri

CITY OF LEADVILLE, COLORADO
Ordinance 10, Series of 2015

AN ORDINANCE AMENDING CHAPTER 2.48 CONCERNING THE HISTORIC PRESERVATION COMMISSION AND CHAPTER 17.44 OF THE LEADVILLE MUNICIPAL CODE CONCERNING PROCEDURES CONDUCTED BY THE LEADVILLE HISTORIC PRESERVATION COMMISSION AND GUIDELINES TO BE ADOPTED

WHEREAS, the City of Leadville, Colorado is authorized pursuant to Title 29, Article 20 of the Colorado Revised Statutes to regulate land uses and preserve areas of historical and archaeological importance; and

WHEREAS, the City of Leadville City Council previously adopted a National Historic Landmark Overlay District ("NHL District") to encourage the conservation, renovation, and the creative and economically viable reuse of certain structures and areas within the area of the City designated by the National Park Service of the U.S. Department of the Interior as a National Historic Landmark district; and

WHEREAS, the City Council, through the enactment of Ordinance No., 1, Series 2013, established a Historic Preservation Commission which is intended to carry out the goals and purposes of the NHL District and to preserve and enhance the City's historic, cultural, architectural and related attractions for residents and visitors alike; and

WHEREAS, the City Council desires to amend the Historic Preservation Commission framework and to further amend the regulations concerning the procedures for issuance of a certificate of appropriateness to provide guidance to the Historic Preservation Commission, property owners, and residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO:

Section 1. Subsection (A) of Section 2.48.020, titled *Membership and qualifications*, of the Leadville Municipal Code is hereby amended to read in full as follows:

A. Membership.

1. Regular members. Five members of the HPC shall be appointed by the mayor, with the consent of the city council, providing a balanced community-wide representation. Members of HPC shall serve without compensation. To the extent authorized by the city council and funds are budgeted and appropriated therefor, members may be reimbursed for actual expenses incurred, such as training, or expenses incidental to the performance of their duties for HPC.
2. Alternate members. Two (2) alternate members of the HPC shall be appointed by the mayor, with the consent of the city council, who shall be designated as a first alternate and a second alternate. A person serving in a position as an alternate shall have the right to participate in all meetings of the HPC to the same extent as a regular member, except that an alternate member shall not be entitled to cast a vote on any matter unless the chair of the HPC temporarily assigns the alternate member to serve in the position of a regular member in the event of an absence of a regular member during all or any portion of a meeting of the HPC. When assigned to fill a regular position during a meeting, the alternate member shall assume all rights, duties and obligations of the regular member during the period of assignment and may cast a vote on any matter pending before the HPC.
3. Advisory members. - HPC, by majority vote, shall appoint two (2) non-voting advisory members to assist the HPC in matters assigned by the HPC. Advisory members are not required to be City residents or to meet any of the qualifications set forth in subsection B of this section, provided that selection of advisory members is based on criteria established by the HPC in accordance with the goals and objectives of historic preservation. Advisory members shall serve three year terms and serve at the pleasure of the HPC. At a minimum, it shall be the duty of such advisory members to participate with the City planning official in pre-submittal meetings with applicants as set forth in Section 17.44.060 of the Code. In the event of vacancies in the position of advisory members, the HPC may appoint seated alternate members to temporarily serve as advisory members during such vacancy.

B. Qualifications of regular and alternate members. At least two members shall be residents of the city who have resided in the city for at least one year preceding the appointment. The HPC shall be composed of both professional and lay members, all of whom have demonstrated interest, knowledge or training in fields closely related to historic preservation. At least two members shall be professionals or shall have extensive expertise or experience in a preservation-related

discipline including but not limited to history, architecture, architectural history, cultural anthropology, fine arts, urban design, planning, archeology, law, or other similar disciplines. If the required number of professional members cannot be found to serve on the HPC, this requirement may be waived until the next vacancy occurs at which time the city shall again diligently seek professional representation. In the case of a lack of professional appointees, the HPC may, with council approval, be allowed to retain professional consultants to advise the HPC as necessary to fulfill its duties.

C. Appointments. Regular and alternate members of the HPC shall be appointed by the mayor, with the consent of the city council, and shall serve three-year staggered terms from the date of appointment. In order to stagger the initial terms of membership, the original membership shall serve as follows:

One appointment shall serve a one-year term.
Two appointments shall serve two-year terms.
Two appointments shall serve three-year terms.

Members shall continue to serve until their successors have been appointed. Members may be reappointed by the mayor, with the consent of the city council, to serve successive terms without limitation. Appointments to fill vacancies on the HPC shall be made by the mayor, with the consent of the city council. Such appointments shall be made to fill out the remainder of the vacated term only. Members of the HPC may be removed by the mayor, with the consent of city council at any time, with or without cause.

Section 2. Section 2.48.040, titled *Staff and finances*, of the Leadville Municipal Code is hereby amended to read in full as follows:

D. The city council may assign city staff (e.g., planning official) to the HPC, which may, from time to time, be required to carry out the clerical, administrative or technical work of the HPC. If so assigned, city staff shall provide for the keeping of minutes, tape recordings and records of all meetings and proceedings of the HPC. The planning official or other designated staff, subject to funds being budgeted and appropriated therefor, may retain one or more consultants to assist in review and processing of any certificate of appropriateness application where, in the opinion of the planning official or other HPC designated staff, the nature of the application or the timing of review would benefit from a consultant's expertise and experience.

Section 3. Section 17.44.020, Definition and purpose, of the Leadville Municipal Code is hereby amended to read in full as follows:

17.44.020 Purposes and Definitions.

A. Purposes. Leadville's historic district was designated a National Historic Landmark (NHL) district by the National Park Service of the U.S. Department of the Interior in 1961. The NHL program was created to recognize the nation's most significant historic places. The Leadville district encompasses a large part of the city and is one of only a few Colorado communities to receive this prestigious designation. A map of the NHL district is located in the Leadville comprehensive plan and with the planning official. These special regulations for the NHL district and for other designated historic structures are intended to accomplish the following purposes:

1. To protect the unique character of Leadville;
2. To safeguard the city's historic and cultural heritage, as embodied and reflected in its designated National Historic Landmark district;
3. To foster and enhance civic pride in the attractiveness and accomplishments of the past development eras of the city;
4. To strengthen and enhance the economy of the city;
5. To protect and enhance the city's historical, cultural, architectural and related attractions for residents and visitors;
6. To stabilize and improve property values and commerce; and
7. To promote the uses of Leadville's NHL district, the designated structures therein and other designated historic structures in the city for the education, pleasure and welfare of residents and visitors.

B. Definitions. Unless otherwise required by context or use, the words and terms used in this chapter shall be defined as follows:

Demolition means any act or process which destroys, in part or in whole, the historic integrity of a structure, or otherwise alters the structure so that it no longer qualifies as a historic structure or historic landmark or a contributing property within the NHL district.

Historic Structure means a site, structure, or object within the NHL district, or otherwise designated as a historic structure, under this chapter that is determined to be historically

significant. Historically significant means the structure was: a) present during the period of significance and possesses sufficient integrity to convey its history, or b) independently meets the criteria for landmark designation. A contributing property may have experienced some degree of alteration from its original design, yet retains sufficient building fabric to still be considered contributing.

National Historic Landmark Overlay (NHL) District means that portion of Leadville designated a National Historic Landmark, the boundaries of which are depicted in the Leadville Comprehensive Plan and labeled as the "Historic Conservation Overlay Boundary" and on file with the Planning Official.

National Historic Landmark means a building, site, structure, object or district that is officially recognized by the federal government for its outstanding degree of national historical or architectural significance.

Section 4 Subsection (C) of Section 17.44.030, titled Applicability, of the Leadville Municipal Code, is hereby amended and a new subsection (D) is hereby repealed and re-enacted to read as follows:

A. These regulations shall apply to:
   1. All new construction within the retail core;
   2. Any exterior alterations to any structure, existing at the date of adoption of the ordinance codified in this chapter within the retail core district;
   3. Any exterior alterations to historic structures listed in the Leadville historic building inventory (available from the planning official). (on file and available from the planning official), as updated and amended from time to time.
   4. Demolition of any historic structure in the NHL district of the city.

B. These regulations shall not apply to:
   1. Any additions to buildings or structures not listed in the Leadville Historic Building Inventory.

Section 5. Subsection (A) of Section 17.44.040, titled General restrictions, of the Leadville Municipal Code is hereby amended to read in full as follows:

A. Unless otherwise provided for in this chapter, any construction, exterior alteration, erection, relocation, demolition, restoration or improvement of any structure delineated in Section 17.44.030 within the NHL district shall be prohibited unless the historic preservation commission shall first review and city council shall first approve such action by issuing a certificate of appropriateness (COA), except in such cases the historic preservation commission deems the proposed exterior structural or cosmetic change to be insubstantial, as defined in subsection A(1) hereinbelow. If any construction, exterior alteration, erection, relocation, demolition, restoration or improvement of any structure is deemed by the historic preservation commission advisory committee, in consultation with the Planning Official, to be insubstantial, no further historic preservation commission review is required and no fee shall be charged or collected for a determination of insubstantial modification. Any potential applicant wishing to receive a determination of insubstantiality shall submit to the HPC Advisory Committee a completed certificate of appropriateness pre-application on a form provided by the historic preservation commission, with supporting documentation including but not limited to photographs, drawings and any other appropriate material.
   1. Insubstantial modification. An insubstantial modification is defined as the following:
      a. The replacement of surface materials such as roofing or siding or an exterior architectural feature with materials and design substantially similar to the existing materials or design.
      b. The installation, removal or replacement of a fence, awning, or roofing material.
      c. The reuse of an existing window or door opening which has been covered or filled through installation of a replica of a historic door or glazing.
      d. The change in color scheme of a structure by the application of paint or whitewash, generally in conformance with historic paint palette.
      e. Those activities deemed to not detrimentally impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or the NHL district, or as deemed to be insubstantial upon petition to and determination by the HPC Advisory Committee.
   2. Substantial modification. A substantial modification is defined as the following:
      a. An activity not defined or qualifying as an insubstantial activity, including, but not limited to: reconstruction, rehabilitation, remodeling, renovation, relocation or demolition.
      b. Alterations, additions or other work performed on a building, structure or site that result in the increase or decrease of site coverage, floor area or exterior wall or roof surface.
      c. The installation, alteration or removal of a window or door opening.

d. The replacement or repair of surface materials such as roofing or siding or an exterior architectural feature with materials or design not substantially similar to the existing materials or design.
e. The cleaning of an exterior surface of a contributing or landmark building or structure by sandblasting, high-pressure spraying or other chemical or mechanical means.
f. Application of sealant, paint, stucco, texture or other material that would conceal, alter or damage the exterior of any contributing or landmark building with an existing unfinished or unpainted brick, masonry or other unfinished siding or structural element.
g. Those activities deemed to potentially impact or influence in any substantial way the historic integrity or appearance of a landmark building, structure, site or designated historic district, or as deemed to be major upon petition to and determination by the HPC Advisory Committee.

Section 6. Section 17.44.050, titled *"Procedures for historic structure designation and revocation"*, of the Leadville Municipal Code is hereby amended to read in full as follows:

17.44.050 Procedures for historic structure designation and revocation.

A. Initial Designation of Historic Structures. Designated historic structures include: (1) all those listed in the Leadville historic building inventory, available from the planning official; and (2) all structures existing at the date of adoption of the ordinance codified in this chapter which face onto Harrison Avenue from the two hundred (200) up to the nine hundred (900) blocks of Harrison Avenue.

B. Procedure for Designation of Additional Structures as Historic. The owner(s) of any structure located within the city may petition the city for designation of that structure as a historic structure by so requesting in writing to the planning official. The following materials shall be provided by the owner(s):
1. Proof of ownership of the structure and, if a representative, proof of authority to represent the owner(s);
2. A legal description of the property;
3. A color photograph of each side of the structure facing a public right-of-way;
4. A site plan showing the structure, its approximate size, bulk and location on the property;
5. A narrative statement, with any appropriate supporting information, describing the historic and architectural significance of the property.

Upon submittal of the appropriate material and the required application fee (see Section 17.96.020), petitions for the designation of a structure in the city as historic shall be processed in the same manner as conditional use permits (see Chapter 17.52).
The designation procedure described herein may be initiated by any owner of real property in the city, the commission, or city council.

C. Procedure for Revocation of Historic Structure Designation. The owner(s) of any historic structure may petition the city for revocation of the designation of that structure as historic by requesting such revocation in writing to the planning official with the following application information:
1. The application information specified in subsection B of this section;
2. A narrative statement, with any appropriate supporting information, describing why such revocation of a historic structure designation should be granted.

Upon submittal of the appropriate material and the required application fee (see Section 17.96.020), petitions for revocation of designation of a historic structure shall be processed in the same manner as conditional use permits (see Chapter 17.52).
The revocation procedure described herein may be initiated by any owner of real property in the city, the commission, or city council.

D. Considerations in Designating, and Revoking Designations of, Historic Structures. In deciding whether to designate, revoke the designation of a historic structure, the historic preservation commission and city council shall base their decision on the following criteria:
1. The goals objectives, policies and other provisions of the Leadville comprehensive plan, as amended;
2. The character, interest and value of the structure as part of the development, heritage, history and culture of the city and the state of Colorado;
3. The location of the structure and its site in relationship to historical events;
4. The identification of the structure with a person or persons who significantly contributed to the development of Leadville and the surrounding area;
5. The importance of the structure to the cultural, historical, social and economic heritage of Leadville;

6. The extent to which the structure displays visual features either typical of or unique to a past historical period;
7. The historic and economic relationship of the structure to surrounding structures and other features of importance within Leadville's NHL district.

Section 7. Subsections (A) and (C) of Section 17.44.060, titled *Procedures for issuing a certificate of appropriateness (COA) except demolitions*, of the Leadville Municipal Code are hereby amended to read in full as follows:

A. Unless provided for in this chapter, any construction, exterior alteration, erection, relocation, restoration or improvement of any structure delineated in Section 17.44.030 shall be prohibited unless the planning official shall first consider the proposal to determine if the historic preservation commission shall first review and the city council shall first approve such action by the issuance of a COA except in cases the proposed structural or cosmetic change is approved administratively as an insubstantial project or activity. See Section 17.44.040(A) regarding the procedures and criteria for historic preservation commission's determination of insubstantial changes. Such procedures and criteria shall also apply herein.

The city shall issue an automatic COA at no cost if the construction, exterior alteration, erection, relocation, restoration or improvement is certified by the Historic Preservation Officer of the state of Colorado.

C. Design Review Process. No building permit for work or activity requiring a COA shall be valid or issued by the city building official without the receipt by the official of the necessary COA as outlined in this section and chapter.
   1. Pre-application meeting. An applicant shall meet with the historic preservation commission advisory members and planning official, who together constitute the "HPC Advisory Committee", to: (1) review and confirm the specific materials required to be submitted in conformance with subsection B; and (2) to determine whether the proposed project is substantial or insubstantial in accordance with 17.44.040. At such meeting, the applicant shall submit a written summary of the proposed activity in complete detail so that the HPC Advisory Committee may make a determination as to whether the project or activity is insubstantial or substantial. Within ten (10) business days of the pre-application meeting and receipt of a written summary of the proposed activity or project, the HPC Advisory Committee shall issue a written report through the planning official which summarizes the determination of substantial or insubstantial activity. If it is determined that the proposed activity or project is insubstantial, the planning official shall issue a COA within five (5) business days of the insubstantiality determination authorizing the activity. If it is determined that the application pertains to substantial activity, it shall be processed in accordance with the substantial project procedures hereinbelow.
   2. Submittal of complete application for substantial projects. Applicants must submit a complete application for COA including any required materials, as confirmed through the pre-application meeting with the HPC, and payment of application fees as may be established by the City Council. Complete applications must include seven (7) copies of all materials for substantial projects. The City planning official will review the application for completeness and will contact the applicant within seven (7) business days of receipt if there are omissions or questions concerning the application. Once the application is deemed complete, the planning official will forward the application to the HPC for review.
   3. Review of Application for substantial projects. The HPC will schedule a formal review at a duly noticed public meeting of the HPC to be held within twenty (20) days of receipt of a complete application, or such other time frame as agreed upon between the HPC and applicant. The planning official shall provide notice to the applicant of such review date and time at least ten (10) days prior to the review date.
   4. HPC Decision. All HPC recommendations on COA applications shall be in writing and shall state the reasons for approval, conditional approval or denial. The HPC will base its decision on the applicable guidelines. The HPC may continue the application to obtain additional information from the applicant.
   5. Council Review. HPC's recommendation will be forwarded to City Council for a final determination at a public hearing. City Council's decision must be in writing and shall state the reasons for approval, conditional approval or denial. City Council may condition approval on terms, limitations, or conditions deemed necessary to protect and preserve the structural, aesthetic or historic integrity of the building, structure or site to which it pertains. Building permits may be issued only after approval of a COA.
   6. Actions following approval. By submitting an application the applicant certifies that the project will be completed as approved. The applicant should receive all HPC approvals before

proceeding with final construction documents and must obtain COA before issuance of any required building permits. An approved application is an implied contract with the city and no deviations therefrom shall be allowed. If design changes are made after approval, the applicant must amend and resubmit the application for consideration and approval in accordance with the process set forth in this section.

Section 8. Subsections (D) and (E) of Section 17.44.060 are hereby repealed in their entirety and the codifier of the Leadville Municipal Code is hereby directed to renumber the remaining subsections of Section 17.44.060 accordingly.

Section 9. Subsection (E) of Section 17.44.070, titled *Procedures for issuing a certificate of appropriateness for the demolition of historic structures*, of the Leadville Municipal Code, is hereby amended to read in full as follows:

A. No demolition of a historic structure may occur except as provided in this subsection E. Applicants requesting a COA for demolition must provide evidence to clearly demonstrate that the request meets all of the following criteria:
   1. The structure proposed for demolition is not structurally sound; and
   2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and
   3. The structure cannot be practically moved to another site in the City of Leadville; and
   4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
      a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
      b. Any impact on the historic importance of the remaining structure(s) located on the property and adjacent properties.
      c. Any impact to the architectural integrity of the remaining structure(s) located on the property and adjacent properties.
   5. In the case of archeological sites, whether archaeological information can be recovered as part of the demolition process.

Section 10. Section 17.44.100, titled *Construction within the NHL district*, of the Leadville Municipal Code, is hereby repealed and reenacted to read in full as follows:

17.44.100 Standards for Construction within the NHL District.

A. All work performed in completion of an approved COA shall be in conformance with the most recent edition of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, published by the U.S. Department of the Interior, National Park Service, Cultural Resource Stewardship and Partnerships, Heritage Preservation Services, Washington, D.C., which is adopted herein by reference and referred to in this chapter as "Secretary of Interior Standards" and a copy of which is available for review in the Administrative Services Department, City of Leadville, 800 Harrison Avenue, Leadville.

B. Subject to final approval by the City Council, the HPC may devise, adopt, publish and implement design guidelines to supplement the criteria set forth in this chapter for the review, evaluation and approval of COAs, provided however, that in the event of conflict between HPC adopted design guidelines and the Secretary of Interior Standards, the Secretary of Interior Standards shall govern and take priority over HPC adopted design guidelines.

Section 11. Chapter 17.44 of the Leadville Municipal Code is hereby amended to add a new section 17.44.110 to read in full as follows:

17.44.110 Violations and penalties.

A. Violation of the provisions of this chapter shall be punishable as set forth in Section 17.100.020 of this Code. Additionally, each separate violation and each day any violation continues shall constitute a separate offense and be subject to the penalties specified in this section.

B. Any development, activity, facility or structure which is continued, operated or maintained in violation of the provisions of this chapter, or the terms and conditions of a COA or any other permit, shall be subject to injunction, abatement and/or other appropriate legal remedy as may be sought and obtained by the city, in which event the city will be entitled to recover its reasonable costs and attorney fees from the offending party or parties.

C. All penalties and remedies for violations of the provisions of this chapter shall be nonexclusive and cumulative, and the city's exercise of one remedy or penalty shall not foreclose or prohibit the exercise of alternative or other remedies.

Section 12. Remaining provisions. Except as specifically amended hereby, all other provisions of the Leadville Municipal Code, including all remaining provisions of Title 17, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 13. Severability. Should any one or more sections or provisions of this ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance or of the Municipal Code, the intention being that the various sections and provisions are severable.

Section 14. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code provision heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or code hereby repealed prior to the taking effect of this ordinance.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED IN FULL ON FIRST READING on the 1st day of September, 2015 by a vote of 6 in favor, 0 against, 0 abstaining, 1 absent and 0 vacant.

CITY OF LEADVILLE, COLORADO

Jaime Stuever, Mayor

ATTEST:

Joseph Swyers, City Clerk

Published in full in *The Herald Democrat*, a newspaper of general circulation in Leadville, Colorado, on the 10th day of September, 2015.

PASSED AND ADOPTED ON SECOND AND FINAL READING AND ORDERED PUBLISHED by title with adopted amendments on the on the 6th day of October, 2015 by a vote of 6 in favor, 0 against, 0 abstaining, 1 absent and 0 vacant.

CITY OF LEADVILLE, COLORADO

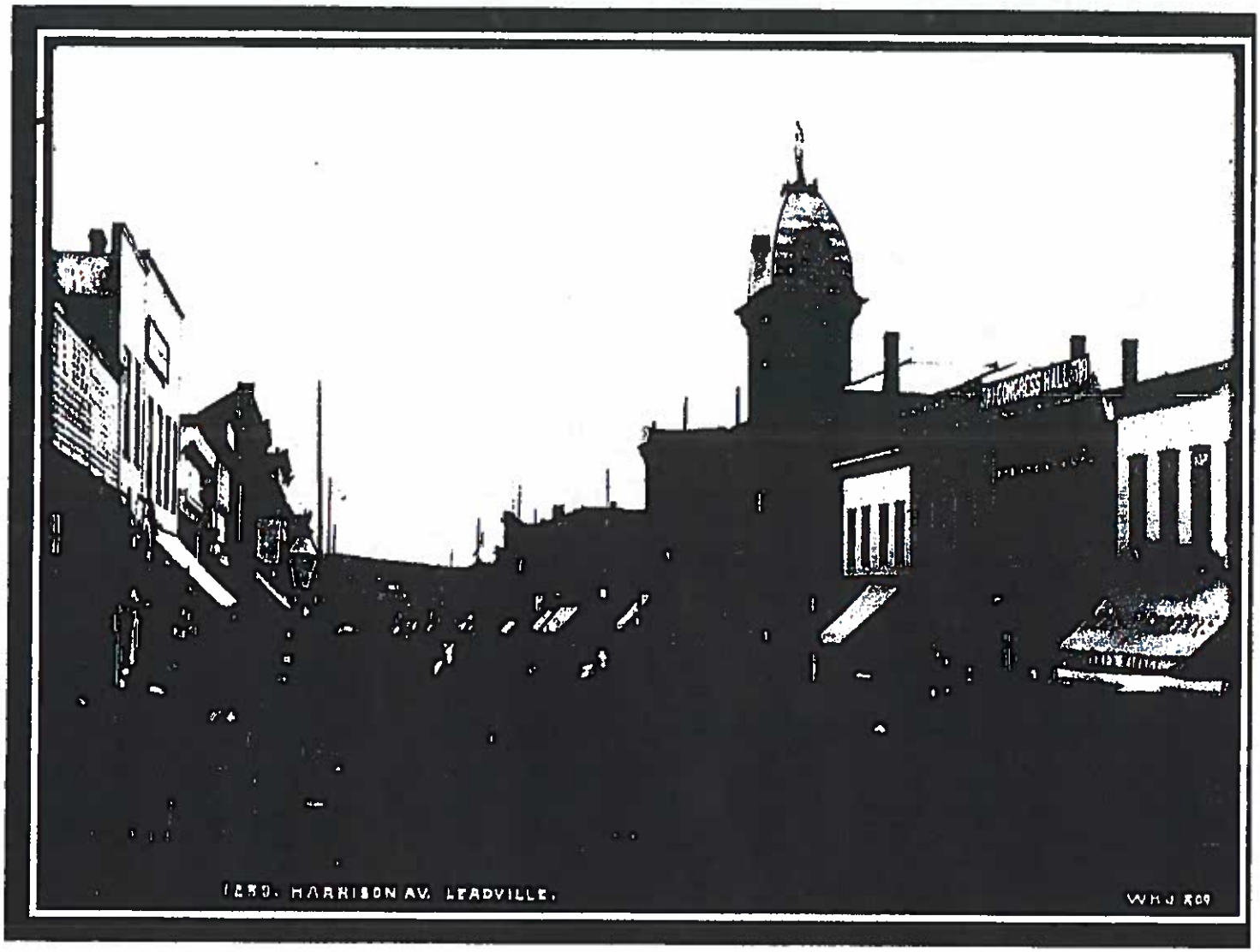
Jaime Stuever, Mayor

ATTEST:

Joseph Swyers, City Clerk

Published by title only if unamended or in full with any amendments in *The Herald Democrat*, a newspaper of general circulation in the City of Leadville, Colorado, on the 15th day of October, 2015.

DESIGN GUIDELINES
National Historic Landmark District of
Harrison Avenue
Leadville, Colorado
June 1, 2014



LEGACY OF SILVER

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Original guidelines courtesy of the City of Salida, Colorado (adapted for City of Leadville).

Select photographs courtesy of Denver Public Library.

applications. **All drawings must be drawn to scale and dimensioned.** Each request for subsequent review must be complete, including a brief statement on the application form outlining aspects of the project to be reviewed. All drawings and documents must be dated.

For new construction projects, large or complex additions and some major alterations the applicant may be required to provide a written statement defining the design philosophy and building program for the project.

Applicants should receive all HPC approvals before proceeding with final construction documents. Final HPC approval typically corresponds to the architectural design development phase.

Depending on the scale of the project, applicants may be required to present one copy of the complete construction drawings to the HPC for final compliance review prior to their submittal to County Building Department for permits. Such review will be completed within seven (7) days of submittal.

5. Checklist of Application Contents and Supplemental Materials Required

Materials Required for All Applications:

- ☐ **General Development Application**
- ☐ **Photographs:** All applications must be accompanied by photographs reasonably and accurately depicting the current status of the building, structure or site, or that portion thereof, subject to the application. Include photographs showing all sides of the structure, particularly the front and any side affected by the proposed project and detailed photographs of the features affected by the project.
- ☐ **Drawing Format:** Drawings shall be large enough so that all information is legible but no smaller than 11" x 17". Sketch drawings are acceptable if they provide accurate information and are reasonably drawn to scale.
- ☐ **Dimensioned Site Plan** showing street locations, existing structure and proposed new elements or structures.
- ☐ **Dimensioned Floor Plan(s)** showing existing structures and proposed new elements or structures.
- ☐ **Dimensioned Roof Plan** showing proposed new roof elements in context of the existing roof.
- ☐ **Dimensioned Exterior Elevations** showing appearance of proposed project with all materials and finishes indicated.
- ☐ **Building Sections and Construction Details** as required to adequately explain and clarify the project. Note all materials and finishes.
- ☐ **Specification of Materials:** Manufacturer's product literature and material samples. Colors to be historically appropriate to the building and district. Product literature is required for replacement windows.
- ☐ **Bids:** If proposing to replace existing historic materials or features with replicas rather than repair or restore, firm bids must be provided for both restoration and replication.

Additions/Alterations/Maintenance/Preservation/Rehabilitation/ Adaptive Re-use:

- ☐ Window replacement justification as outlined in NPS Preservation Brief #9. Submittal must include written assessment of existing windows.

New Construction:

- ☐ Block Site Plan or aerial photograph showing relationship of proposed structure to existing structure.
- ☐ A written statement of the design philosophy and building program.
- ☐ A massing model illustrating the relationship between the new structure(s) and existing building(s) on the project site and adjacent lots.
- ☐ Photographs of the surrounding structures including both block faces and side streets must be submitted.

Demolition or Relocation:

- ☐ **General Development Application**
- ☐ **Drawing Format:** Drawings shall be large enough so that all information is legible but no smaller than 11" x 17". Sketch drawings are acceptable if they provide accurate information and are reasonably drawn to scale.
- ☐ **Dimensioned Site Plan** showing street locations, existing structure and proposed demolition and replacement structure(s)
- ☐ **Detailed Description** of the reasons supporting or justifying the proposed demolition or relocation, including a delineation and explanation of all economic data where economic hardship or other economic cause is given as the a reason for the proposed demolition or relocation.
- ☐ **Detailed Development** or redevelopment plan for the demolition and/or receiving relocation site and a schedule for completion of the work.
- ☐ **Elevations, Building Sections, Construction Details, Specifications and Massing Model** of proposed replacement structure similar to those for New Construction.
- ☐ **Floor Plan(s)** showing existing structure(s), structure(s) proposed for demolition and replacement structure(s).

Demolition or Relocation of a Landmark or Contributing Building, Structure or Site:

- ☐ Detailed photographs of any features/conditions that support the demolition request.
- ☐ A report prepared by an architect, engineer or other qualified person(s) experienced in the rehabilitation, renovation and/or restoration of historic buildings, structures or sites that addresses:
  - The structural soundness of the building or structure and its suitability for rehabilitation, renovation, restoration, or relocation.
  - The economic, structural and engineering feasibility of the rehabilitation, renovation, restoration of the building, structure or site at its current location.
  - The economic, structural and engineering feasibility of relocating the building or structure.

6. Application Fee:

No charge for minor application. $50 fee for major applications

PART 3 - REHABILITATION GUIDELINES

The guidelines contained within this document are based on the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, specifically the guidelines for rehabilitating historic buildings. The Leadville guidelines are an interpretation of the *Standards* tailored for situations commonly encountered in Leadville's Historic Landmark District. The *Secretary's Standards* can be found at: http://www.nps.gov/hps/tps/tax/rhb/guide.htm.

Character defining Features in Leadville's Historic Building Inventory

Harrison Avenue is Leadville's center of commerce and a major destination for citizens of the U.S and foreign visitors. The Tabor Opera House, the National Mining Museum and the historic Harrison Avenue draw thousands of tourists during the summer months.

In 1961, Leadville was officially documented in the U.S National Register of Historic Landmark Districts. It is one of only a few Landmark Districts in Colorado. Many of the buildings portray architectural characteristics typical of the late 19th century, but harsh weather, old age and a struggling economy have presented challenges to maintain and preserve these buildings. These factors have led many of the structures into fragile condition.

It is a crucial period in the campaign for the preservation of Leadville, and the following characteristics should be preserved or restored.

- Buildings built at the sidewalk edge with no setback from the property line.
- Many entries are setback from the sidewalk in a protected area or have angled corner doors such as the Tabor Grand Hotel.
- The Tabor Opera House, the American National Bank, the Quincy Building, the Delaware Hotel, and the Tabor Grand Hotel are a few of the three story historic buildings on Harrison Ave.
- Masonry construction is prominent in most buildings.
- Most buildings are two storied construction with commercial use on the first floor and office space and residential rooms on the second.
- Many first floors have large display windows covering the front façade, with a framed transom above the display windows. There is a kick plate or bulkhead panel beneath the display window. The front façades of many of the buildings have changed.
- Second floors have smaller windows with a vertical emphasis.
- Buildings are predominantly flat roofed.
- Most buildings are detailed with a decorative cornice, either metal or brick.
- Awnings were a popular addition to many of the structures in the 1800's.
- Leadville was known for its impressive array of flag poles that towered above the city.

Contributing Structures

Underlying Design Principles

Downtown Leadville's historic character derives from the large number of intact buildings built between 1860 and 1929 along Harrison Avenue between 2nd and 12th. The historic character of Leadville has been retained to a great extent because of Harrison Avenue and the Tabor influence.

The best preservation procedure is to maintain historic features from the outset so that intervention is not required. However, due to the economy and the age of the buildings, restoration is necessary to preserve many of these historical landmarks.

This three story American National Bank Building, made of brick and sandstone, was build in 1892 in a Romanesque style. This building has been completely renovated.

View of southeast Harrison Avenue sometime between 1925 and 1925 features the old firehouse next to the Delaware Hotel.

A. Character Defining Features

Preserve and Restore Significant Stylistic and Architectural Features

Policy:

Historic features, including original materials, architectural details and window and door openings contribute to the character of a structure and are referred to as character-defining features. They are often closely associated with specific architectural styles. They should be preserved when feasible. Continued maintenance is the best preservation method.

Elements that have gained significance in their own right should be retained and repaired rather than replaced, if possible.

The most stringent review will be applied to the primary street-facing façade that exhibits the main character-defining elements of the building, or a façade prominently visible from a public street or heavily-trafficked area.

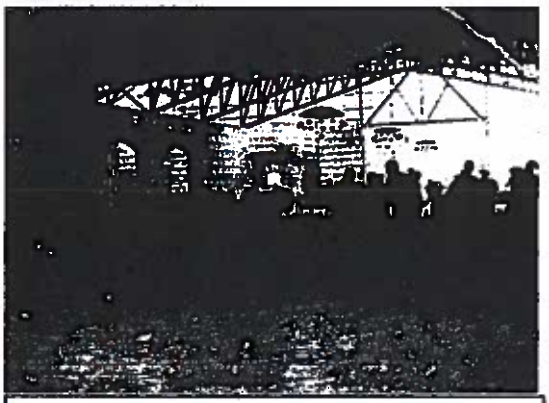
Less prominent façades, such as those that face an alley and are not highly visible from the street will be reviewed more leniently.

Guidelines:

1. **Character-defining features should not be altered, obscured or removed.**
- Historic photographs of Leadville and its commercial buildings are widely available and should be used when determining the original character of a building. Photos are available in the Leadville Library, History Colorado Museum, and the Denver Public Library.

2. **If a storefront has been altered, restoring it to the original design is preferred.**
- Missing or deteriorated facade features should be restored or rebuilt based on historic evidence, not conjecture.
- If evidence of the original design is missing, use a simplified interpretation of similar elements. The new element should be similar to comparable features in general size, shape, texture, material, and finish.
- Alterations, whose design or materials are not consistent with the original design, nor historically significant in their own right, should be removed.
- Original storefront elements that still exist should be uncovered i.e. brick, metal, or wood placed over storefront should be removed to show the original storefront.
- Original openings should be uncovered where possible, and existing openings should be left open and maintained in their original configuration. New openings should be in proportion to other openings and facade elements.
- Multiple storefronts within the same building should be visually compatible in terms of scale, alignment, color, materials and historic elements. It is important to prevent the building, as a whole, from being compromised by tenant individuality.

3. **Alternative designs that are contemporary interpretations of traditional storefronts may be considered where the historic façade is missing and no evidence of it exists.**
- Where the original is missing and no evidence of its character exists, a new design that uses the traditional elements may be considered.
- However, the new design should continue to convey the character of typical storefronts, maximizing the visibility of the interior and maintaining the transparent character of the display window.



Interior view of the Ice Palace built in 1896.

- Greater flexibility in treatment of rear facades is appropriate. However, care should be taken to preserve storefronts on those buildings which have traditional commercial storefronts on more than one facade, such as a corner building.

4. Avoid adding elements or details that were not part of the original building.

- For example, decorative millwork or cornices should not be added to a building if they were not an original feature of that structure.

5. Retain the kick plate as a decorative panel. If the original kick plate is missing, develop a compatible design.

- The kick plate, located below the display window, adds interesting detail to the streetscape and should be preserved.
- If the original kick plate is covered with another material, consider exposing the original design.
- Wood is an appropriate material for replacements on most styles. However, ceramic tile and masonry may also be considered when appropriately used with the building style.

6. Preserve the character of the cornice line.

- Most historic commercial buildings have cornices to cap their facades. Their repetition along the street contributes to the visual continuity on the block.
- Many cornices are made of sheet metal, which is fairly lightweight and easy to repair. Areas that have rusted through can be patched with pieces of new metal.
- Use historic photographs to determine design details of the original cornice.
- Replacement elements should match the original in every detail, especially in overall size and profile. Keep sheet metal ornamentation well painted.

7. A simplified interpretation is also appropriate for a replacement cornice if evidence of the original is missing.

- Appropriate materials include brick and stamped metal.

8. Retain the original shape of the transoms in historic storefronts.

- The band of windows above the display windows on traditional storefronts are known as the clerestory or transoms. The glass windows above doors are also known as transoms. Both introduced light into the depths of the building, saving on light costs. These windows should not be removed or enclosed.
- The shape of the transom is important to the proportion of the storefront, and it should be preserved in its historic configuration.

Ornamental cornice is representative of nineteenth century architecture.

Pediment

Finial

Upper Cornice

Bracket

Masonry Wall

Tall, narrow, double hung windows

Storefront Cornice

Transom or Clerestory

Transom

Display Windows

Kick plate

Recessed Entry

Cast Iron Post

Zero setback

- If the original glass is missing in the transoms, installing new clear or textured glass is preferred. If the glass is partially missing, install new glass to match historic. However, new glass does not need to include features related to obsolete manufacturing techniques (e.g., waviness, bubbles, etc.)

9. **A parapet wall should not be altered, especially those on primary elevations or highly visible facades.**

- When a parapet wall becomes deteriorated, there is sometimes a temptation to lower or remove it. Avoid doing this because, in addition to the visual impact, the flashing for the roof is often tied into the parapet, and disturbing it can cause moisture and structural problems.
- Inspect parapets on a regular basis. They are exposed to the weather more than other parts of the building, so watch for deterioration such as missing mortar or excessive moisture retention.
- Avoid waterproofing treatments, which can interfere with the parapet's natural ability to dry out quickly when it gets wet.
- Do not wrap roofing material over the top of a parapet. Instead use appropriate flashing and counter-flashing to address drainage concerns. Consider the use of metal flashing on the top of the parapet.

Where Possible, Repair Original Details

Policy:

In some cases, original architectural details may be deteriorated. In this case, repair the material and any other related problems, such as poor drainage, that might have contributed to the deterioration. A scarred finish does not necessarily represent inferior materials, but simply reflects the age of the building. Therefore, preserving original materials and features that show signs of wear is preferred to replacing them.

UNIVERSAL CONSERVATION MAINTENANCE PLAN

Colorado Historical Society has developed a Universal Conservation Maintenance Plan that can help you maintain your historic building. Plans and checklists that can easily be tailored to your building are available online from the Colorado Historical Society at http://coloradohistory-oahp.org/programareas/shf/plan.htm

The Historical Preservation Commission will welcome a meeting with individual business owners. The HPC can assist you in completing a maintenance plan for your building and provide information for grants or tax credits.

Guidelines:

1. **Repair only those features that are deteriorated.**

- Patch, piece-in, splice, consolidate or otherwise upgrade existing materials, using recognized preservation methods. Avoid the removal of damaged materials that can be repaired.
- Isolated areas of damage may be stabilized or fixed using consolidants. Epoxies and resins may be considered for wood repair, and special masonry repair components also may be used.
- Removing damaged features that can be repaired is not appropriate.
- Protect features that are adjacent to the area being worked on.
- When disassembly of a historic element is necessary for its repair, use methods that minimize damage to the original materials. Document its location so it may be repositioned accurately, and devise methods so disassembled details are replaced in their original configuration.

2. **Use technical procedures for cleaning, refinishing and repairing architectural details that will maintain the original finish.**
- When choosing preservation treatments, use the gentlest means possible that will achieve the desired results.
- Employ treatments such as rust removal, caulking, limited paint removal and reapplication of paint or stain.

Replace Only When Unfeasible to Preserve or Repair

Policy:

While preservation or repair of the original feature is the preferred alternative, in-kind replacement is also an option. Replacement should occur only if the existing historic material is beyond repair or if it is economically infeasible to repair. If replacement is necessary, the new materials should be in-kind, which means they match that being replaced in material, design, color, texture, and other visual qualities to fullest extent possible.

Guidelines:

1. **Replacement of missing or deteriorated architectural elements should be accurate.**
- The design should be substantiated by physical or pictorial evidence to avoid creating a misrepresentation of the building's history.
- Use the same kind of material as the original when feasible. However, a substitute material may be acceptable if the size, shape, texture and finish replicates the visual appearance of the original.

2. **When reconstruction of an element is impossible, develop a new design that is a simplified interpretation of it.**
- This is appropriate when inadequate information exists to allow for an accurate reconstruction.
- The new element should be similar to comparable features in general size, shape, texture, material and finish.

Tabor Grand Hotel. George E. King, architect; Robert Murdock, contractor. A grand mansard crown is features on the 7th Street Harrison Avenue corner of the building. The tower is octagonal and the main entrance has been angled to the street for convenience. The building was originally red brick and will be renovated in the summer of 2014.

B. Preserve and Restore Primary Historic Building Materials

Policy:

Primary historic building materials should be preserved in place whenever feasible. When the material is damaged, then limited replacement which matches the original should be considered. Primary historic building materials should never be covered or subjected to harsh cleaning treatments.

Guidelines:

1. **Protect wood and metal features from deterioration.**
- Provide proper drainage so that water does not stand on flat, horizontal surfaces or accumulate in curved decorative features.

- Maintain protective coatings to retard drying and ultraviolet damage. If the building was painted originally, it should remain painted.
- Using the gentlest means possible, clean architectural metals, when appropriate, to remove corrosion prior to repainting or applying other appropriate protective coatings.

2. Plan repainting carefully.

- Always prepare a good substrate. Remove damaged or deteriorated paint only to the next intact layer, using the gentlest means possible (e.g., hand scraping), prior to painting.
- Do not reveal bare wood unless necessary.
- Use chemical strippers only to supplement other methods such as hand scraping, hand sanding, and thermal devices.
- Use compatible paints. Some latex paints will not bond well to earlier oil-based paints without a primer coat.
- Repaint with colors that are historically appropriate to the building and district. Information about historical color palettes is available from several paint companies.

3. Match the original material in composition, scale and finish when replacing materials on primary surfaces.

- If the original material is a wood kick plate, for example, then the replacement material should be wood as well unless it is demonstrated to be economically infeasible. It should match the original in size and molding profile.
- Replace only the amount required. If a few areas are damaged beyond repair, then only they should be replaced, not the entire feature.

4. Do not use synthetic materials, such as aluminum or vinyl siding or panelized brick, as replacements for primary building materials.

- In some instances, substitute materials may be used for replacing architectural details, but doing so is not encouraged. If it is necessary to use a new material, such as a fiberglass column, the style and detail should match that of the historic model.
- Primary building materials, such as wood, metal, and brick, should not be replaced or covered with synthetic or panelized materials.

5. Covering original building materials with new materials is inappropriate.

- Vinyl siding, aluminum siding and new stucco are inappropriate on historic buildings. Other imitation materials that are designed to look like wood or masonry siding, but that are fabricated from other materials, are also inappropriate.
- If a property already has a non-historic building material covering the original, it is not appropriate to add another layer of new material, which would further obscure the original.

6. Consider removing later covering materials that have not achieved historic significance.

- Once the non-historic siding is removed, repair the original, underlying material.
- If a building has a non-historic stucco finish, removing the covering may be difficult, and may not be desirable. Field test an area no larger than 18" x 18" of the stucco to determine how it is attached to assure that the original material underneath will not be damaged.

Guidelines for Masonry:

See Appendix C for detailed information about masonry cleaning and maintenance techniques.

1. Preserve original building materials.

- Masonry features that define the overall historic character, such as walls, cornices, pediments, steps and foundations, should be preserved.
- Avoid rebuilding a major portion of exterior masonry walls that could be repaired.

Reconstruction may result in a building which is no longer historic.

- Repair historic stucco by removing the damaged material and patching with new stucco that duplicates the old in strength, composition, color, and texture.

2. Use the gentlest means possible to clean the surface of a structure.

- Clean masonry only when necessary to halt deterioration or remove heavy soiling.
- Do not clean simply to make a building look newer.
- If cleaning is appropriate, a low pressure water wash is preferred. This should be done only when there is no possibility of freezing temperatures.
- Chemical cleaning may be considered if a test patch is first reviewed and negative effects are not found. Perform a test patch to determine that the cleaning method will cause no damage to the material surface. Many procedures can actually have an unanticipated negative effect upon building materials and result in accelerated deterioration or a loss of character.
- Harsh cleaning methods, such as sandblasting, can damage the historic materials, changing their appearance. Such procedures are inappropriate.

3. Brick, stone, or stucco that was not painted historically should not be repainted.

- Masonry naturally has a water-protective layer, or patina, to protect it from the elements. Painting masonry walls can seal in moisture already in the masonry, thereby not allowing it to breathe and causing extensive damage over the years.
- Removing paint that is firmly adhered to, and thus protecting, masonry surfaces is not recommended. Paint removal may damage the brick.
- New or non-historic surface treatment such as Water-repellant coatings should be applied only after re-pointing and only if masonry repairs have failed to arrest water penetration problems. Coatings should breathe.

Masonry Terms

Bed Joint – the horizontal mortar bed that bricks are laid on

Butt Joint – An external corner formed with the meeting of two square-edged stones, either one overlapping the other.

Coping – A cap or covering course on top of a masonry wall. Designed to shed water, protect the top, and provide a finished, closed appearance to the wall

Course – Horizontal row of bricks

Efflorescence – A white powdery deposit of soluble salts of calcium, potassium, and sodium which forms on the surfaces of masonry. Efflorescence is caused by the release of excess "water of crystallization" and/or moisture penetration, thereby, causing the leaching of these salts to the surface when the water evaporates.

Full Head & Bed Joint – Mortar joints filled from front to back.

Header – A masonry unit laid flat on its bed across the width of a wall with its face perpendicular to the face of the wall.

Head Joint – The vertical mortar joint where two bricks butt together at the end of a brick.

Pointing – The troweling of mortar into a building unit joint after the setting bed mortar has hardened.

Quoins – Exterior or projecting brick panels at the corner of a building.

Rowlock – A header laid on its face or edge across the width of a wall.

Sill Brick – Regular or shaped brick, typically used on a window sill.

Soldier Course – Row of bricks stood on end with its long face perpendicular to wall length.

Spalling – The chipping or erosion of masonry caused by abuse or weathering.

Stretcher – Brick laid with its long face parallel to a wall's length.

Weep Hole – Open vertical joint between bricks, allowing water to drain from the wall.

4. **Re-point mortar joints where there is obvious evidence of deterioration.**

- Duplicate the old mortar in strength, composition, color and texture.
- Avoid using mortar with a high Portland cement content, which will be substantially harder than the original.
- Duplicate the mortar joints in width and profile.
- Removing non-deteriorated mortar from sound joints, then re-pointing the entire building to achieve a uniform appearance is *not recommended.*

C. Specific Building Features

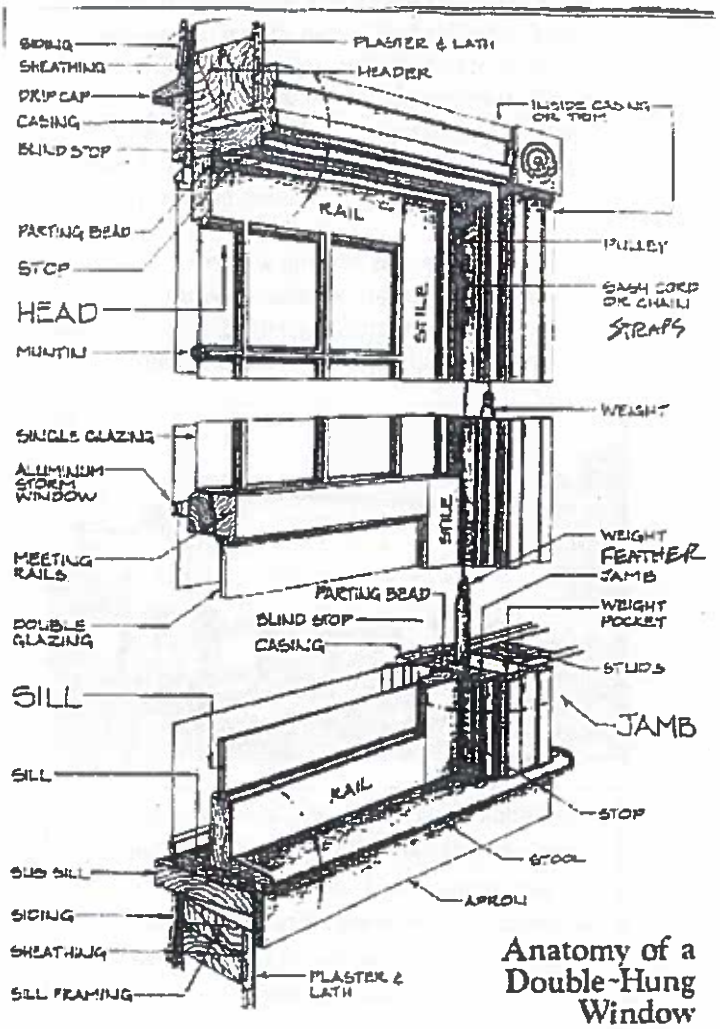
Windows

Windows are one of the most important design elements in a building. Their appearance, craftsmanship, embodied energy and other qualities make them worthy of special consideration. Keeping the original windows in a historic building is most important.

Policy:

The character-defining features of a historic window and its distinct materials and placement should be preserved when feasible. In addition, a new window should be in character with the historic building. This is especially important on primary facades.

In all cases and for all buildings, it is incumbent upon the applicant to complete an evaluation of the condition of the existing historic windows and provide a detailed report justifying treatment options for repair or (if applicable) replacement. This survey should be completed early in the rehabilitation planning process so that all treatment options can be fully explored. This inspection shall be completed by a qualified historic preservation specialist. The applicant will provide a physical sample of a proposed replacement window and its finish.



Anatomy of a Double-Hung Window

For contributing buildings, original windows should be retained and repaired unless a survey determines they are beyond repair. However, replacement of historic sashes with new wooden sashes is an acceptable treatment so long as they match the appearance of the originals. Given the special constraints of rehabilitating a historic building, a graduated approach to window treatment shall be based on whether the treatment is to a façade with prominent visibility from a public street, or a non character-defining façade, or one that is not visible from the street such as the rear. Treatment options within a façade are to be considered on a window-by-window basis.

The **primary street-facing façade** or **prominently visible facade**, which fronts the street and exhibits the main character-defining elements of the building, or is highly visible from a heavily-trafficked area, will see the most strict window treatment requirements, which is to repair only, unless the following criteria are met.

- Poorly executed and irreversible past repair work.
- Missing previous existing window.
- Past inappropriate window replacement.
- Sash replacement is permitted so long as they match the appearance of the originals.

Clarendon Hotel - At H.A.W. Tabor's request, the hotel was attached to the Tabor Opera House by way of an elevated walkway. The Hotel was constructed of wood with conventional siding and detailing. Harrison Avenue at East 3rd Street. No longer standing.

The less prominent façades, if present, are those which face an alley yet are highly visible from the street, and do not typically contain all the embellishments and design elements of the primary façade. These facades allow for in-kind window replacement, if a qualified historic preservation specialist determines that the original windows are beyond repair or repair is not economically feasible. Replacement and repair requirements are those indicated for the Primary Façade.

Guidelines

1. **Repair of the original windows is the preferred option.**

- Repairs shall match the appearance of the original window, including glazing.
- Sash replacement may be an appropriate option for damaged windows or for owners seeking a more modern window function.
- Use of vinyl or other modern materials is generally not an acceptable replacement option.

2. **Preserve the functional and decorative features of a historic window.**

- Features important to the character of a window include its frame, sash, muntins, mullions, glazing, sills, heads, jambs, moldings, operation and groupings of windows. Repair frames and sashes rather than replacing them, whenever conditions permit.

3. **Preserve the position, number and arrangement of historic windows in a building wall.**

- Enclosing a historic window opening in a key character-defining facade is inappropriate, as is adding a new window opening. This is especially important on primary facades where the historic ratio of solid-to-void is a character-defining feature.
- Existing windows should remain uncovered, even if they are no longer used.
- Greater flexibility in installing new windows may be considered on rear walls.

4. **Preserve the size and proportion of a historic window opening.**
- Reducing an original opening to accommodate a smaller window or increasing it to receive a larger window is inappropriate.
- Making a window opening into a door opening is preferable to installing a new door opening.

5. **Preserve the historic ratio of window openings to solid wall on a primary facade.**
- Significantly increasing the amount of glass on a character-defining facade will negatively affect the integrity of the structure.

6. **Replacement windows shall match to the fullest extent possible the appearance, function and materials of the original including glazing, including leaded and stained or painted glass.**

a. *Match a replacement window to the original in its design.*
- If the original is double-hung, then the replacement window should also be double-hung, or at a minimum, appear to be so. Match the replacement also in the number and position of glass panes.
- Matching the original design is particularly important on key character-defining facades.

b. In a replacement window, use materials that appear similar to the original.
- Using the same material as the original is preferred, especially on character-defining facades. However, a substitute material may be considered if the appearance of the window components will match those of the original in dimension, profile and finish.

c. Match, as closely as possible, the profile of the sash and its components to that of the original window.
- A historic wood window has a complex profile. Within the window's casing, the sash steps back to the plane of the glazing (glass) in several increments. These increments, which individually only measure in eighths or quarters of inches, are important details. They distinguish the actual window from the surrounding plane of the wall.

7. **Use a storm window to enhance energy conservation rather than replace a historic window.**
- Install a storm window on the interior, when feasible. This will allow the character of the original window to be seen from the public way.
- If a storm window is to be installed on the exterior, match the sash design of the original windows. A metal storm window may be appropriate if the frame matches the proportions and profiles of the original window. It should fit tightly within the window opening without the need for sub-frames or panning around the perimeter.
- Match the color of the storm window sash with the color of the window frame; do not use a reflective or bare metal finish; matte is preferred. Finally, set the sash of the storm window back from the plane of the wall surface as far as possible.

Doors

Policy:

The character-defining features of a historic door and its distinct materials and placement should be preserved. In addition, a new door should be in character with the historic building. This is especially important on primary facades.

Guidelines:

1. **Preserve the decorative and functional features of a primary entrance.**
- Maintain features important to the character of a historic doorway. These may include the door, door frame, threshold, glass panes, paneling, hardware, detailing, transoms and flanking sidelights.
- Avoid changing the position and function of original front doors and primary entrances.

2. **Maintain the original proportions of a significant door and its elements.**

3. **When a historic door is damaged, repair it and maintain its general historic appearance.**

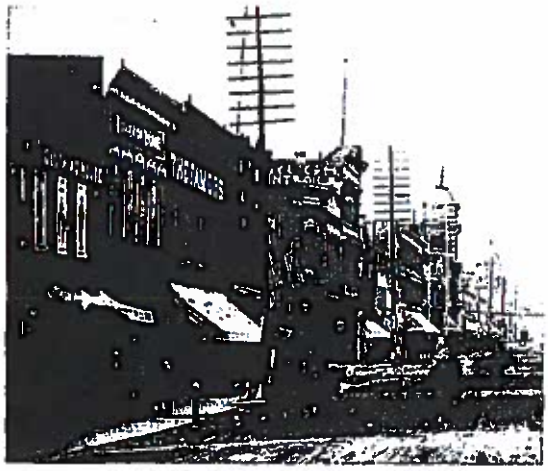
4. **When replacing a door, use materials that appear similar to that of the original.**
- A metal door, if seen from the street, is inappropriate where the original was wood.

5. **When replacing a door, use a design that has an appearance similar to the original door**
- Very ornate doors are discouraged, unless photographic evidence can support their use.

6. **Existing entries and doors should remain uncovered, even if they are no longer used.**

Awnings and Canopies

Awnings protect pedestrians from the sun and rain, create a sense of enclosure at sidewalk level, present good locations for eye-level signs, and shield window displays from the sun. It is recommended that the awnings be of historically appropriate size, pattern and color.



Awnings were a popular addition to many of the structures in the 1800's

Work which involves the installation or repair of any awning or marquee should secure design approval and the required permits prior to fabrication and construction.

Policy:

Traditionally, awnings and canopies were noteworthy features of buildings in the downtown core and their continued use is encouraged. They must respect the architectural integrity of the façade on which they are placed, the context of their location, and the historic character of downtown.

Guidelines:

1. **Respect the architectural integrity of the façade on which these attachments are placed inclusive of the context of the building's location, and the historic character of Downtown.**
- Awnings should be compatible with other awnings nearby, particularly those on the same building, when these awnings compliment the architectural character of the building.

2. **Awnings should fit within the opening of the building storefronts, and should be operable.**

3. **The height of awnings should provide pedestrian scale to the building and also meet code requirements.**
- Locate the structural components of awnings at least 8 feet above the sidewalk.
- Unrestricted valances or returns should be at least 7 feet above the sidewalk, and may project no more than 2/3 of the width of the sidewalk.
- Signage, if on the awning, may be located only on the valance.

4. **Awning shape, size, and height should be proportional to the façade on which it is placed.**
- Simple shed shapes are appropriate for rectangular openings. Odd shapes, bull nose awnings and bubble awnings are

inappropriate. Internal illumination of an awning is inappropriate.

5. **Use matte fabric for awnings; not vinyl, fiberglass, plastic, metal, wood or other unsuitable materials.**
- Fabric should be maintained in good condition.

6. **Attach awnings in a manner which does not harm nor obscure architectural elements or details and does not harm the building.**

7. **The historic profiles of awnings were often at a 45 degree angle.**
- New awnings should reflect this historic angle and should not be rounded or have an angle from the vertical building wall greater than 45 degrees or less than 30 degrees.

Roofs

Similar building and roof forms provide continuity in the character of the downtown historic district. Most commercial buildings downtown were built as simple rectangular solids, deeper than they were wide. Roofs were often flat and included distinctive details to provide visual interest.

Policy:

The character of a historical roof should be preserved, including its form and materials, whenever feasible.

Guidelines:

1. **Preserve the original roof form of a historic structure.**
- Avoid altering the angle of a historic roof. Instead, maintain the perceived line and orientation of the roof as seen from the street.
- Retain and repair roof detailing when visible from the street.

2. **Minimize the visual impacts of skylights and other rooftop devices.**
- The addition of features such as roof access structures, skylights, solar panels, and satellite dishes should not be installed in a manner such that they will be visible from a main thoroughfare.

3. **Preserve original roof materials.**
- Avoid removing historic roofing material that is in good condition. When replacement is necessary, use materials that are similar to the original in style as well as physical qualities. Where possible, use a color that is similar to that seen historically.
- Specialty materials such as tile, slate or concrete should be replaced with a matching material.

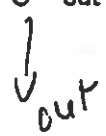
4. **Protect the building by maintaining good roof drainage.**
- Clean gutters and downspouts, and replace deteriorated flashing.
- Provide adequate anchorage for roofing material to guard against wind damage and moisture penetration.

5. **Rooftop gardens and patios are allowed as long as they contribute to the visual continuity of the building.**

Guidelines for Artwork

1. Existing work- Whether attached to a Building or Free Standing
- Retain and preserve existing artwork that contributes to the overall historic character of a building, site, or district.
- Existing ads and/or murals that are currently on buildings can be preserved following approved standards and procedures.

2. New artwork should:
- Be subordinate to the overall building
- Not obscure or damage building elements or details, such as cover doors, windows or historic details or damage bricks
- Not permanently alter the building or site
- Not be painted directly onto building, regardless of if bricks are painted or unpainted
- Be on removable material or medium regardless of composition of walls
- Not detract from the historic character
- Not confuse the public regarding the period of significance of the building or district through an anachronism (anything that is or seems to be out of its proper time in history).



Signs – Advisory Info

Signs are regulated through Planning and Zoning except those in the historic district, which must also be approved by the HPC.

Utilities and Service Areas

Policy:

Service areas should be visually unobtrusive and should be integrated with the design of the site and the building.

Guidelines:

1. **Install utility conduits and HVAC equipment in a manner least damaging to the building.**
- Install HVAC equipment on the ground or roof; do not suspend it from the wall or parapet of the building.
- Run cables, pipes, etc., in unobtrusive locations and on non-primary facades.
- Avoid new penetrations of the exterior wall for piping and other utility elements.

2. **Orient service entrances, waste disposal areas and other similar uses toward service lanes and away from major streets.**
- Screen service entrances with walls, fences or plantings.
- When it will be visible from a public way, a service area screen should be in character with the building and site it serves, but it should not imitate earlier architecture.
- Locate areas for outdoor storage, truck parking, trash collection or compaction loading, or other such uses so as not to be visible from the adjacent street.

Noncontributing Structures

Non-contributing structures are an important element in the Leadville Downtown Historic District. Some non-contributing buildings were built after 1930, which is the end of the period of significance for the historic district. These are more modern in style and construction.

Many non-contributing buildings were built during the period of significance, but have lost architectural integrity due to alterations and additions. Alterations to non-contributing buildings are subject to review by the HPC.

Policy:

Alterations and additions to non-contributing buildings should improve the character of the building and its compatibility with Leadville historic downtown.

Guidelines:

1. **If adequate evidence of the historic design exists, returning the building to its historic appearance is encouraged.**

2. **Alternative designs that are contemporary interpretations of traditional storefronts may be considered where the original design is missing and no evidence of it exists.**
- Where the original is missing and no evidence of its character exists, a new design that uses the traditional elements may be considered.
- **See Part IV – Additions and New Buildings** (below) for guidance on contemporary interpretations of traditional architecture and details.

The application of stucco to the exterior has covered up most historic materials and obscured many of the architectural details. In addition the storefront has undergone major alteration.

PART 4 – ADDITIONS AND NEW BUILDINGS

The 'faces' or facades of a building include everything from ground to roofline. Of concern are facades that are visible from a street, alley or other public place. Many of the buildings in the National Historic Landmark District of Leadville contain architectural elements typical of late 19th century storefronts. The form, rhythm and character of the downtown commercial district established by its contributing buildings should be reinforced and enhanced as part of any alteration or new construction. The National Historic Landmark District should have a unified visual identity that complements the historic character of its buildings.

Many of the features desirable for a pedestrian-oriented downtown are precisely those features found in the original storefronts of Leadville's downtown commercial buildings. These features include inviting entryways, continuous display windows, and sensitively scaled proportions. They should be incorporated into new storefronts.

A. Architectural Character for All New Construction

Policy:

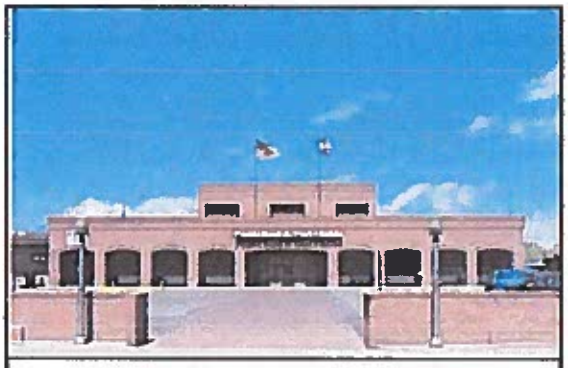
New construction should distinguish itself from historic structures. Traditional elements such as large display windows of clear glass, kick plates, recessed entries and transom windows should be emulated but not replicated. In new and altered buildings, these elements should reflect the proportions and detailing of historic elements found on contributing buildings, but be interpreted in new ways.

Guidelines:

1. **The imitation of older historic styles is discouraged for newer structures and additions.**
- One should not replicate historic styles, because this blurs the distinction between old and new buildings, as well as making it more difficult to visually interpret the architectural evolution of the district.
- However, new construction should be designed in such a way that it does not overpower or detract from historic buildings. It should be *compatible*.

2. **Contemporary interpretations of traditional details are encouraged.**
- Interpretations of historic styles may be considered, if they are distinguishable as being new.
- New designs for window moldings and door surrounds, for example, can provide visual interest while helping to convey the fact that the building is new. Contemporary details for porch railings and columns are other examples. New cornice and kick plate designs also could be used to create interest while expressing a new, compatible style.

3. **A majority of the storefront should be at the property line, except for recessed entries, and any other recessed portions should not detract from street line continuity.**



This building is incompatible with the character of the surrounding historic district.

B. Materials

Policy:

Building materials of new structures and additions to existing structures should contribute to the visual continuity of the district. They should appear similar to those seen traditionally to establish a sense of visual continuity.

Guidelines:

1. **Use building materials that appear similar to those used traditionally in the area.**
- The use of highly reflective materials is discouraged.
- All glass on ground floors should be clear and non-reflective.
- Because storefronts are experienced on foot at close range, they should have the richest and most durable materials of the entire building.

2. **The use of masonry that appears similar in character and color to that seen historically is appropriate.**
- Brick is the desired façade material for new or rehabilitated facades.
- Brick should have a modular dimension similar to that used traditionally. Brick larger than the nominal 2-3/8" x 8" is discouraged.
- Stone, similar to that used traditionally, is also appropriate.
- Brick and stone should remain unpainted.

3. **New materials that are similar in character to traditional materials may be acceptable with appropriate detailing.**
- Alternative materials should appear similar in scale, proportion, texture and finish to those used traditionally.
- Details and ornaments should be incorporated that are of a similar level of quality to those found on contributing buildings in the district, but should not mimic historic detailing.

4. **Use building materials that contribute to the traditional sense of scale of the street.**
- This will reinforce the sense of visual continuity in the district.

C. Additions

Policy:

Three distinct types of additions to all buildings in the historic district may be considered:

First, a ground-level addition that involves expanding the footprint of a structure may be considered. Such an addition should be to the rear or recessed from the sidewalk at the side of a building. This will have the least impact on the character of the building.

Second, an upper story addition to the roof may be designed that is simple in character and set back substantially from the front of a building.

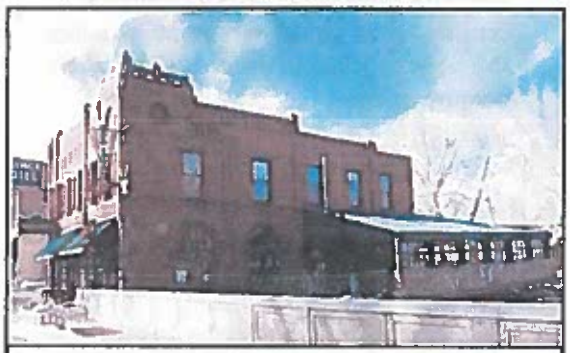
The materials, window sizes and alignment of trim elements on any additions should be compatible to those of the existing structure if it is a contributing building, and to the district if it is non-contributing.

A third option, that only will be considered on a case-by-case basis, is to design an addition adjacent to the existing building and with zero front setback or setback equal to the existing front setback. This option is the most difficult and requires the most care to respect the relationship

of the building to the street. Such an addition should provide a visual distinction between the existing structure and its addition. This may be accomplished through the use of a belt course element or a subtle change in building materials

Guidelines:

1. **An addition should be compatible in scale, materials and character with the main building and the historic district.**
- An addition should relate to the building in mass, scale and form. It should be designed to remain subordinate to the main structure.
- An addition with a gabled roof is inappropriate for a building with a flat roof.
- An addition to the front of a building is generally inappropriate.



The addition on the rear and side can be differentiated as new rather than historic.

2. **An addition should not damage or obscure architecturally important features.**
- For example, loss or alteration of a cornice line should be avoided.

3. **An addition may be made to an upper story of a building if it does the following:**
- An addition should be set back from the primary, character-defining facade, to preserve the perception of the historic scale of the building as seen from heavily-trafficked areas.
- Its design should be modest in character, so it will not attract attention from the historic facade.
- The addition should be distinguishable as new, while remaining compatible with historic design.

D. New Commercial Buildings

Mass and Size

Policy:

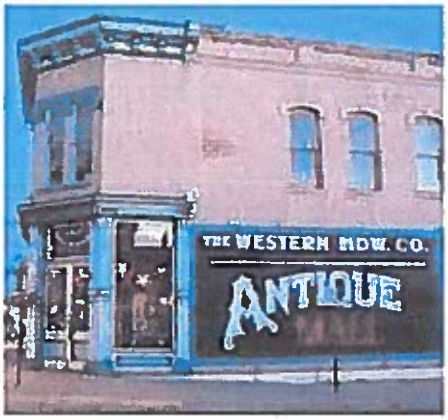
Patterns are created along the street by the repetition of similarly-sized building elements. For example, uniform facade widths evenly spaced create a rhythm that contributes to the visual continuity of the district. At a smaller size, the repetition of upper-story windows across most building fronts also creates a unifying effect. These features and similar patterns are some of the most important characteristics of the commercial character area and should be respected in all new construction.

Guidelines:

1. **Maintain the average perceived height of buildings at the sidewalk.**
- Facade heights of new buildings should respect the height and scale of neighboring buildings, and respect the historic proportions of height to width.
- Floor-to-floor heights should appear similar to those of historic buildings in the area.

2. **Traditional spacing patterns created by the repetition of uniform building widths (known as "bays") along streets must be maintained. In Leadville bays are usually 25'.**
- In most cases, the primary facade should not exceed 25 feet without a clear expression of this standard module. In no case should it exceed 50'.
- Where a building must exceed this width, use a change in design features to suggest the traditional building widths. Changes in façade material, window design, facade height or decorative details are examples of techniques that may be considered. These variations

should be expressed through physical breaks in the structure such that the composition appears to be a collection of smaller building modules.



Western Hardware – It has a corner entrance with the signage nicely integrated into the exterior, just above the lower windows.

3. **A new building should incorporate a base, middle and a cap.**
- Traditionally, buildings were composed of these three basic elements. Interpreting this tradition in new buildings will help reinforce the visual continuity of the area.
- Buildings should be designed with a termination to the top of the building in a way that complements and enhances the character of Downtown. Cornice or parapet details are typical.

Building and Roof Form

Policy:

One of the most prominent unifying elements of the commercial area is the similarity in building form. Commercial buildings were simple rectangular solids, deeper than they were wide. This characteristic is important and should be continued in new projects.

Guidelines:

1. **Rectangular forms should be dominant on commercial facades in the Leadville National Historic District.**
- Rectangular forms should be vertically oriented.
- The facade should appear as predominantly flat, with any decorative elements and projecting or setback "articulations" appearing to be subordinate to the dominant form.

2. **Use flat roof lines as the dominant roof form in the National Historic Landmark District.**
- Gabled roofs may also be used on the building if a false front or parapet with horizontal emphasis obscures it. They may also be considered for upper story additions, since these are required to be set back from the primary facade.

Building Setbacks

Policy:

Buildings create a strong edge to the street because they traditionally aligned on the front lot line and were usually built out the full width of the parcel to the side lot lines. Although small gaps do occur between some structures, they are the exception. These characteristics are vitally important to the National Historic Landmark District and
in areas abutting the district where a street wall is a prominent feature.

Guidelines:

1. **Maintain the alignment of facades at the sidewalk's edge.**
- A continuous zero setback should be maintained on all streets within the downtown except to provide an appropriate recessed entry.
- Locating entire building fronts behind the established storefront line is inappropriate.
2. **Maintain the pattern created by recessed entryways.**

- Main entries should be clearly identifiable and inviting.
- The clear distinction between the primary façade and the side of the building should be maintained.
- Set the door back from the front facade an adequate amount to establish a distinct threshold for pedestrians to enter, and find protection from the weather. A recessed dimension of four feet is typical.
- Where entries are recessed, the building line at the sidewalk edge should be maintained by the upper floor(s).
- Use transoms over doorways to maintain the full vertical height of the storefront. Oversized (or undersized) interpretations are discouraged.

Horizontal Alignment

Policy:

A strong alignment of horizontal elements exists along the street. Alignment is seen at the first floor level with moldings that are found at the top of display windows; at upper floor levels, alignment is found among cornices, window sills and headers. This alignment of horizontal features on building facades is one of the strongest characteristics of the street and should be preserved. It is important to note, however, that slight variations do occur, which add visual interest. Major deviations from these relationships, however, disrupt the visual continuity of the street and are to be avoided.

Guidelines:

1. **The general alignment of horizontal features on building fronts should be maintained.**
- Primary facades should have divisions between ground and upper floors that are consistent with neighboring structures.
- Typical elements that should align if feasible include: window moldings, tops of display windows, cornices, copings and parapets at the tops of buildings.
- When large buildings are designed to appear as several buildings, there should be some slight variation in alignments between the horizontal facade elements.

The cornice provides a strong termination of the facade.

2. **The tops of the upper primary facades should be architecturally distinguished to provide visual terminations for the buildings.**

New Storefront Character

Policy:

The street level floors of commercial buildings in the National Historic Landmark District are clearly distinguishable from the upper floors. First floors are predominantly fixed plate glass with a small percentage of opaque materials with recessed entries. Upper floors are the reverse—opaque materials dominate, and windows appear as smaller openings puncturing the solid walls. These windows are usually double hung. The street level is generally taller than the upper floors. Store fronts of 12 to 14 feet high are typical, whereas second floors of 10 to 12 feet are typical. This typical storefront character should be maintained.

Guidelines:

1. **Maintain the traditional spacing pattern created by upper story windows.**

- Windows visible from public areas should reflect the rhythm, scale, and proportion of windows in the historic district.
- Headers and sills of windows on new buildings should maintain the traditional placement relative to cornices and belt courses.

2. Maintain the distinction between the street level and the upper floor.

- The first floor of the primary facade should be predominantly transparent glass.
- Upper floors should be perceived as being more opaque than the lower floor.
- Highly reflective or darkly tinted glass is inappropriate.
- Express the distinction in floor heights between street levels and upper levels through detailing, materials and fenestration. The presence of a belt course is an important feature in this relationship.

E. Noncommercial Buildings

There are non-commercial historic buildings in the National Historic Landmark District. These are unique situations that will be interpreted on a case-by-case basis.

Preservation, repair, alteration, and additions for contributing buildings should follow the principles and policies stated for commercial buildings, but tailored to fit the individual building.

In the case of non-contributing, non-commercial buildings, the policy of preferring to return the building to its historic appearance applies. The design palette for new construction or alteration of residential buildings would draw from historic residential design elements and materials found near the historic district.

TOWN OF BUENA VISTA, COLORADO

ORDINANCE NO. 14
(SERIES OF 2016)

AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE BUENA VISTA MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 19, HISTORIC PRESERVATION.

WHEREAS, the Town desires to protect its historic resources and develop a process that allows for the protection and proper management of those resources;

WHEREAS, to accomplish this goal, the Town desires to adopt regulations for the establishment and preservation of historic structures, sites and districts; and

WHEREAS, the Board of Trustees finds this Ordinance to be in the best interests of the Town and its citizens to preserve the heritage of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. The Buena Vista Municipal Code is amended by the addition of a new Chapter 19:

CHAPTER 19 – HISTORIC PRESERVATION

ARTICLE 1 – General Provisions

Sec. 19-1. - Purpose and intent.

(a) In order to foster civic pride in the beauty and accomplishments of the past, and in order to create eligibility for state or federal grant funds for the restoration, stabilization, and preservation of landmarks within the Town of Buena Vista that reflect outstanding elements of the Town's cultural, artistic, social, economic, political, architectural, historic or other heritage, a procedure for designating historic local landmarks within the Town is needed.

(b) The intent of this Chapter is to create a reasonable balance between private property rights and the public interest in preserving the Town's unique historic character and culture. The intent is to provide incentives to preserve historic and architecturally significant sites, buildings, structures, neighborhoods and districts by providing guidelines for the appropriate use of land and the moving, demolition, reconstruction, restoration, or alteration of such buildings, sites, and structures that comply with state and federal historic preservation laws, thereby making certain tax credits available to private property owners and making other benefits and incentives available for preservation projects.

Sec. 19-2. – Definitions.

Unless specifically defined below, words and phrases in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Chapter its most reasonable application.

(a) *Alteration* means any act or process that changes either one or more of the exterior architectural features of a structure; or one or more of the physical features of a site or district, except color or paint.

(b) *Certificate of historic appropriateness* means a certificate issued by the Town showing approval of plans for construction, demolition, moving, reconstruction, restoration, or alteration of any historic structure, site or any structure in a historic district.

(c) *Commission* means the Town of Buena Vista Historic Preservation Commission.

(d) *Compatible* shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

(e) *Construction* means the act or process of adding an addition to an existing structure, the remodeling of an existing structure, or the erection of a new structure.

(f) *Contributing structures* means those structures or physical features within a site or district that help to define the historic significance of that site or district.

(g) *Cultural landscape* means a geographic area (including both cultural and natural resources and the wildlife or domestic animals therein) associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

(h) *Demolition* means any act or process which destroys, in part or in whole, any historic structure.

(i) *Designated structure, site* or *district* means a structure, site or district designated pursuant to this Chapter.

(j) *Exterior architectural feature* means the architectural style and general arrangement of the exterior of the structure including type and texture of the building materials and including all windows, doors, siding, roofs, lights, signs, and other fixtures appurtenant thereto, if such physical component is visible from a public way or adjoining properties.

(k) *Historic designation* means the formal recognition of a historic structure, site, or district by the Town pursuant to this Chapter.

(l) *Historic district* means a geographically definable area including a concentration, linkage, or continuity of subsurface sites, cultural landscapes, buildings, structures, or objects. A district is related by a pattern of either physical elements or social activities. The term district may include, but is not limited to, neighborhoods, agricultural, or

commercial districts.

(m) *Historic significance* means having a special historic or aesthetic interest or value as part of the development, heritage, cultural, or historic character of the town, region, state, or nation.

(n) *Maintenance* and *repair* means any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of, decay of, or damage to a structure or any architecturally significant part thereof, and to restore or replace, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage, and which work does not effect a significant change in the external appearance of the structure.

(o) *Overwhelming historical significance* means either possessing such unusual or uncommon significance that any structure's potential demolition or major alteration would diminish the character and sense of place in town; or possessing superior or outstanding examples of the architectural, social, or geographic historic significance criteria outlined in the standards and criteria set forth in this Chapter. The term superior shall mean excellence of its kind, and the term outstanding shall mean marked by eminence and distinction.

(p) *Preservation* means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a designated structure or site.

(q) *Reconstruction* means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

(r) *Rehabilitation* means the act or process of making a compatible use for a property through repair, alterations, and additions, while preserving those portions or features that convey its historic, cultural, or architectural values.

(s) *Restoration* means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and/or reconstruction of missing features from other periods in its history.

(t) *Significant change* means an alteration or modification in the external appearance that has or is likely to have influence or effect on the historic or architectural merit of a structure or site, including but not limited to all activities for which a building permit is required.

(u) *Site* means a location of a significant event, historic occupation or activity where the location itself maintains historical or architectural value and significance to the community regardless of the value of any existing building or structure.

(v) *Structure* means anything constructed or erected, the use of which requires permanent or near permanent location on or in the ground, or attachment to something having permanent location on the ground.

19.03. - Historic Preservation Commission

(a) There is hereby created a Historic Preservation Commission, which shall have the principal responsibility for matters involving historic structures, sites and districts as set forth in this Chapter.

(b) The Commission shall consist of five regular members and one alternate appointed by the Board of Trustees. To stagger the initial terms of membership, the original Commission shall consist of: three (3) members to serve four (4) year terms and two (2) members and the alternate to serve two (2) year terms. The Commission shall be composed of both professional and lay members, and at least 40% (two of the five) shall be professionals in preservation-related disciplines, such as architecture, landscape architecture, architectural history, archaeology, history, planning, or related disciplines such as building trades, real estate, law, cultural geography, or cultural anthropology. If the required number of professional members cannot be found to serve on the Commission, this requirement may be waived until the next vacancy occurs, at which time the Town shall again diligently seek professional representation. In the case of a lack of professional appointees, the Commission may, with Board approval, be allowed to retain professional consultants to advise the Commission as necessary to fulfill its duties. Commission members shall be residents of Chaffee County.

(c) At its first meeting of each calendar year, the Commission shall elect one (1) Commissioner to serve as chair to preside over the meetings, and one (1) Commissioner to serve as vice-chair. The Commissioners so designated shall serve in these capacities for terms of one (1) year, and may serve successive terms.

19.04. – Meetings of the Commission.

(a) The Commission shall meet at least quarterly, unless applications or other requests for action are pending, in which case the Commission shall meet at least monthly.

(b) A majority of the number of currently appointed regular board members shall constitute a quorum. An alternate may substitute for a regular board member to create a quorum. If a quorum is not present, then the chair of the Commission may set a new date for a special hearing, or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date.

(c) The Commission shall act only at properly noticed meetings.

(d) No Commissioner shall vote on any matter that may materially or apparently affect the property, income, or business interest of that Commissioner.

(e) The chair, and in his absence the vice-chair, may administer oaths and compel the attendance of witnesses.

(f) All meetings of the Commission shall be open to the public. Minutes shall be kept of all Commission proceedings, and sent to the State Historic Preservation Office upon approval.

(g) The Commission may adopt bylaws and other administrative guidelines to govern the conduct of its meetings, which shall be made available to the public.

(h) At least one Commission member must attend a History Colorado approved educational or training event each year.

19.05. - Powers of Historic Preservation Commission.

(a) To propose for adoption criteria for review of historic resources and for review of proposals to alter, demolish, or move designated resources, that are in addition to and consistent with the criteria set forth in this Chapter.

(b) To review structures, sites and districts nominated for designation and make recommendations to the Board of Trustees regarding historic designation.

(c) To advise and assist owners of designated structures or sites on physical and financial aspects of preservation, renovation, rehabilitation, and restoration, including nomination to the National Register of Historic Places and State Register of Historic Properties.

(d) To develop and assist in public education programs, including but not limited to school programs, walking tours, brochures, a marker program for historic properties, interpretive sites and programs, lectures, and conferences about the history of the local and regional community, the value of preserving historic properties, and the materials and methods of preservation.

(e) To determine applications for certificates of historic appropriateness pursuant to this Chapter.

(f) To conduct surveys of historic structures, sites and district in order to define those of historic significance, for the purpose of creating a preservation plan of historic properties and districts.

(g) To pursue financial assistance for preservation and history-related programs.

(h) To maintain records and files on all board actions and provide documentation as necessary to History Colorado, Colorado's State Historic Preservation Office (SHPO).

(i) To identify and implement other incentives for owners of historic properties.

(j) To authorize and implement such steps as it deems desirable to recognize the merit of and to encourage the protection, enhancement, perpetuation, and use of any historic structure,

site or historic district by, without limitation, issuing certificates of recognition and authorizing plaques to be affixed to the exteriors of such structures.

(k) To fulfill any other duties required by state and federal law in order to qualify the Town as a Certified Local Government (CLG).

19.06. - Procedures for designation of historic structures, sites and historic districts.

(a) Nominations for designations shall be made to the Town on forms provided by the Town and may be submitted by the Commission or a citizen. Nominations for historic structures or sites must contain the written approval of all current owners of record. Nominations for historic districts shall have written approval of at least seventy-five (75%) of property owners within the proposed boundaries of the district.

(b) Once the nomination is deemed completed by Town staff, the Commission shall hold a public hearing on the proposal no more than sixty (60) days after the determination of completeness.

(c) Notice of the public hearing before the Commission shall be published and posted on the property subject to the nomination fifteen (15) days prior to the public hearing. Posting for a historic district nomination shall be at street intersections within the boundaries of the proposed district. Further, for district nominations, written notice shall be sent by first class mail at least fifteen (15) days prior to the hearing to all property owners whose property is contained within the proposed district.

(d) The Commission may continue the hearing from time to time as necessary to gather all relevant evidence to make its recommendation. The Commission shall consider the subject property's conformance with the purposes, standards, and criteria of this Chapter.

(e) Within thirty (30) days after the conclusion of the public hearing, the Commission shall either recommend approval, modification and approval, or denial of the nomination to the Board of Trustees.

(f) Within sixty (60) days after the date of the recommendation from the Commission, the Board of Trustees shall hold a public hearing on the nomination. Notice of the public hearing shall be provided as set forth in Sec. 19.06(c).

(g) The Board of Trustees shall, by resolution, approve, modify and approve, or deny the proposed designation, and shall issue written findings in accordance with and after considering the criteria as set forth in this Chapter. Such resolution shall include a description of the characteristics of the site, structure, or district that justify its designation and a description of the features that should be preserved or enhanced, and shall include a legal description of the location and boundaries of the property where the structure is located, site or district. The resolution may also indicate alterations that would have a significant impact upon, or be potentially detrimental to, the historic structure, site or district. The owner or owners of the property nominated or included in the district shall be notified of the Board of Trustees' decision.

(h) The resolution shall be recorded with the Chaffee County Clerk and Recorder no sooner than thirty (30) days from the effective date of the resolution. As soon as possible, the staff shall send a copy of the recorded resolution to all property owners in a designated district or the owner of the designated structure or site.

(i) A structure or site designated as historic or a structure located within a historic district shall retain that designation in perpetuity, unless the structure or site has lost its historic character or the designation has been otherwise revoked pursuant this Chapter.

19.07. - Criteria for Designation – Structures and Sites.

(a) The Commission and Board of Trustees will consider the following criteria in reviewing nominations of structures and sites for historic designation:

(1) Properties receiving historic designations shall be at least fifty (50) years old, except as otherwise provided herein, and possess architectural, social, or geographical/environmental importance by meeting at least one or more of the following:

a. Exemplifies specific elements of an architectural style or period;

b. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;

c. Demonstrates superior craftsmanship or high artistic value;

d. Represents an innovation in construction, materials, or design;

e. Represents a style particularly associated with the Buena Vista/Chaffee County area;

f. Represents a built environment of a group of people in an era of history;

g. Represents a pattern or grouping of elements representing at least one of the above criteria;

h. Is the site of a historic event that had an effect upon society;

i. Exemplifies cultural, political, economic, or social heritage of the community;

j. Represents an association with a notable person or the work of a notable person;

k. Represents a typical example/association with a particular ethnic group;

l. Represents a unique example of an event in Buena Vista's history;

m. Enhances sense of identity of the community;

n. Is an established and familiar natural setting or visual feature of the community;

o. Properties that have yielded or may be likely to yield, information important in history or prehistory; or

p. If the property is less than fifty years old, must demonstrate overwhelming historic significance.

(b) Any site listed on the state or national register of historic places shall be deemed to qualify for local designation under this Chapter, but shall not be locally designated until an application for nomination is filed and processed pursuant to this Chapter.

19.08. – Criteria for Designation - Districts

(a) Historic districts must comply with the criteria in Sec. 19.07 and be related by a pattern of either physical elements or social activities. Significance is determined by applying criteria in this Chapter to the patterns and unifying elements.

(b) Properties that do not contribute to the significance of the historic district may be included within the boundaries, as long as the noncontributing elements do not noticeably detract from the district's sense of time, place, and historic development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, or information potential.

19.09. - Revocation of designation.

(a) If a designated structure or physical feature on a designated site is destroyed or demolished through no fault of the owner or in compliance with this Chapter, the owner may apply to the Town for revocation of designation. The Commission shall recommend revocation of a historic designation if it determines that, without the demolished structure or physical feature, the structure or site as a whole no longer meets the purposes and criteria of this Chapter and if the public benefits of alteration, removal, or demolition of the structure or physical feature outweigh the public benefits of maintaining the designation.

(b) Upon the Commission's recommendation, the application scheduled for consideration by the Board of Trustees. The Board of Trustees shall, by resolution, approve, modify and approve, or deny the application. The resolution, if it approves or modifies and approves the revocation, it shall be recorded with the Chaffee County Clerk and Recorder no sooner than thirty (30) days after the decision.

19.10. - Duties and obligations of owners of historic properties.

(a) It shall be unlawful for the owners of designated structures, site or contributing structures in a historic district to allow the deterioration of the property, its character defining

features, or its surrounding environment. Landscaping must be maintained and the property kept free from any hazardous or unsafe conditions.

(b) Before an owner is cited for failure to maintain the historic site or structure, or contributing structure in a historic district, the commission shall notify the property owner, lessee, or occupant of the need to repair or maintain, shall assist the owner, lessee, or occupant in determining how to preserve the property, and shall give the owner a reasonable time to perform such work, which time shall not exceed 120 days. The Commission may grant extensions of the time period for good cause.

19.11. - Certificate of historic appropriateness

(a) A certificate of historic appropriateness shall be required for any exterior work other than maintenance and repair on a structure or site subject to a historic designation that involves more than ordinary maintenance and repair. It shall be unlawful for any person to perform any work, other than maintenance and repair, without having first obtained a certificate of historic appropriateness.

(b) The Commission shall review any application for a certificate of historic appropriateness to determine whether the application meets the criteria in this Chapter.

(c) All proposals for certificates of historic appropriateness shall be reviewed in accordance with the U.S. Secretary of the Interior's Guidelines for Rehabilitation and any design guidelines approved by the Town Board of Trustees.

(d) The following criteria shall apply to all alterations or changes:

(1) All proposed alterations must be consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties.

(2) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(3) The removal or alteration of any historical material or distinctive features shall be avoided when possible.

(4) Deteriorated historic features shall be repaired rather than replaced when possible. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(5) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

(6) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(7) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property and shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic landmark and its environment would be unimpaired. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(8) All historic or contributing buildings, structures, and sites shall be recognized as products of their own time and place. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, site, or environment. These changes may have acquired significance in their own right, and every consideration should be made for their retention and preservation. If they are not to be retained, the applicant must present a reasonable argument for their removal that restores the structure to a significant historical period in the structure's history. Alterations that have no historical basis and which seek to create an earlier or nonlocal appearance shall be discouraged.

(e) The Commission shall approve, modify and approve or deny the application. Any decision of the Commission approving or disapproving an application for a certificate of historic appropriateness. The Town shall issue a certificate of historic appropriateness for any proposed work on a designated historical structure or site only if the Commission can determine that the proposed work would not detrimentally alter, destroy, or adversely affect any feature that was found by the Board of Trustees in the original designation to contribute to the designation of the structure or site.

19-12. - Hardship exemption.

(a) The Commission may exempt a property from the requirement of obtaining a certificate of historic appropriateness if the Commission finds that the property owner has shown that the historic designation creates or would create an undue hardship.

(b) An exemption based on noneconomic hardship may be found by the Commission when designation creates a situation substantially inadequate to meet the applicant's needs because of specific health or safety issues.

(c) An exemption based on economic hardship may be found by the Commission applying the following standards:

(1) The applicant's knowledge of the designation at the time of acquisition, or whether the property was designated subsequent to acquisition;

(2) The current level of economic return on the property as considered in relation to

the following:

a. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two years.

b. The infeasibility or feasibility of alternative uses that can earn a reasonable economic return for the property.

c. Economic incentives or funding available to the applicant through federal, state, town, or private programs.

(3) Economic hardship does not include self-created hardships, willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

(d) The Commission shall hold a public hearing as soon as practical, after the notice prescribed in Sec. 19.06(c), to take final action on the application.

(1) If after reviewing all of the evidence, the Commission finds that the application of the standards set forth in subsection (c) of this section results in economic hardship, then the commission shall issue a certificate of economic hardship, allowing the proposed alteration, or a certificate of demolition.

(2) If the Board of Trustees finds that the application of the standards set forth in subsection (c) of this section does not result in economic hardship, then the certificate of demolition shall be denied.

19.13. – Certificate of demolition.

(a) It shall be unlawful for any historic structure, site or property in a historic district to be demolished without having first obtained a certificate for demolition. If a certificate for demolition is requested on any basis other than that of an imminent hazard or economic hardship, a certificate of demolition will not be issued until all criteria in subsection (b) of this Section are met.

(b) Applicants requesting a certificate of demolition must provide data to clearly demonstrate that the situation meets all of the following criteria:

(1) The structure proposed for demolition is not structurally sound despite evidence of the owner's efforts to properly maintain the structure. An architect or engineer with extensive historic building experience will be required to submit a report with sufficient evidence related to the building's structural integrity.

(2) The structure cannot be rehabilitated or reused on-site to provide for any reasonable beneficial use of the property.

(3) The structure cannot be practically moved to another site.

(4) The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:

a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur;

b. Any impact on the historic importance of the remaining structures located on the property and adjacent properties; and

c. Any impact to the architectural integrity of the remaining structures located on the property and adjacent properties.

(c) In the case of archaeological sites, consideration will be given to whether information can be recovered as part of the demolition process.

(d) Review criteria for partial demolition:

(1) The partial demolition is required for the renovation, restoration, or rehabilitation of the structure; and

(2) The applicant must mitigate, to the greatest extent possible:

a. Impacts on the historic importance or character defining features of the structures located on the property.

b. Impacts on the architectural integrity of the structures located on the property.

19.14. - Demolition or relocation of non-designated buildings.

(a) No person shall demolish, move, or remove any building which is over 50 years old without first applying to the Planning Department for a permit for demolition or relocation under this Chapter and receiving a permit. Any person receiving such a permit may conduct the demolition or relocation of the building as authorized under such permit only in compliance with the terms of the permit and only before the permit expires.

(b) Any owner of a building which is over 50 years and who intends to pursue any building or development activity that may require a permit under this Section may request a pre-filing conference with the Commission to discuss the historic nature, status and features of the property. Public comment shall be allowed as part of such conference. No action shall be taken by the Commission as part of this conference, nor shall the Commission, owner or any interested party be bound by any discussion or comments during the conference. The conference shall not be a part of or in lieu of any demolition review required by this Chapter.

(c) Upon receipt of an application under this Section, Town staff will determine if demolition

or relocation review is required by examining application. In addition, review under this Section will be initiated upon referral from the Planning Department when a building over 50 years old is located on property that is contained within a pending application for a historic district, a Special Use Permit (SUP) or Planned Unit Development (PUD) request, which application has not been withdrawn and has had development referrals issued by the Planning Department.

(d) This initial review, to determine eligibility for designation, shall be completed no later than 30 days after submission of complete demolition permit application. Failure to meet this review deadline will result in immediate issuance of demolition or relocation permit if all other permitting requirements have been met. If Town staff fails to submit their recommendation to the Commission within 30 days after receipt of a completed permit application, the Town shall issue the permit if all other requirements of the permit process have been met.

(e) If during the initial review, the property is determined potentially eligible for designation, any permit will be stayed for 60 days. If determined not eligible, then a permit will be immediately issued if all other permitting requirements have been met. A copy of the determination will be sent to the owner with determination findings within 14 days of said determination.

(f) The Commission shall conduct a public hearing on the application or the referral subject to the notice requirements prescribed in Sec. 19.06(c).

(g) The Commission shall hold a public hearing on the permit application or referral for review within sixty (60) days after the date of Town acceptance of a completed application or issuance of Planning Department referral. For permit applications, if the Commission fails to hold a public hearing within such 60-day period, the Town shall issue the permit if all other requirements of the permit process have been met.

(h) If the Commission determines that the non-designated building would qualify for designation under the criteria in this Chapter, the application for a permit to demolish or relocate shall be suspended for a period of 180 days. During the period of suspension, the Commission may take any action authorized to it that it deems necessary and consistent with the purposes and intent of this Chapter to preserve the structure, including, without limitation, consulting with civic groups, public agencies, and interested citizens; recommending acquisition of the property by private or public bodies or agencies; exploring the possibility of moving buildings that would otherwise be demolished; and salvaging building materials, and looking for alternatives to the proposed action which will not have any adverse impact on the historic significance of the structure. The Commission shall work with the owner regarding any action to preserve the historic nature of the structure under this Section. After the 180-day period, the Town shall issue a permit if all other requirements of the permit process have been met.

(i) Prior to the issuance of a permit for demolition or relocation, the Town or the Commission may require the applicant to provide information about the building,

including, without limitation, the date of original construction, significant events and occupants, architectural features, and a description of the building through photographs, plans, and maps. As a part of this process, the Commission may require the applicant to allow Town staff or its agent on the subject property to provide historic photo-documentation of the structure. The Town will determine where the documentation is to be deposited.

(j) Any demolition or relocation permit that is issued pursuant to an application that is subject to this Section shall expire no later than 180 days after the permit is issued if the work authorized by such permit has not commenced.

(k) The Town may require the preservation or salvage of specific architectural elements of the structure and the opportunity to document the building photographically prior to demolition of the site.

19.15. - Unsafe or dangerous conditions exempted.

Nothing in this Chapter shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof, where such condition is declared unsafe or dangerous by the Town and where the proposed measures have been declared necessary by the chief building official to correct the condition, as long as only such work that is necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a certificate of historic appropriateness under this Chapter, but a certificate is required for permanent alteration, removal, or demolition.

19.16. - Appeals.

(a) Any person aggrieved by a Historic Preservation Commission decision may appeal the decision to the Board of Trustees by following the procedures set forth in this Section.

(b) A formal notice of appeal shall be filed with the Town no later than fifteen (15) working days from the date of decision. The notice shall conform with the requirements of this Section, along with the applicable filing fee.

(c) Upon receipt of the appeal, the Town Clerk shall schedule the appeal for the next regularly scheduled meeting of the Board of Trustees that allows for publication and posting required per Sec. 19.06(c).

(d) Appeals shall be reviewed on the basis of the record before the Commission to determine the following:

(1) If the Design Guidelines were adhered to, if guidelines have been adopted by the Town; and

(2) If the Code was interpreted or applied erroneously.

(e) A perfected appeal shall operate as a stay of the decision unless determined otherwise by

the Board of Trustees.

(f) Once scheduled, an appeal may only be postponed by the aggrieved party upon a showing of good cause.

(g) The Board of Trustees shall have the power to affirm, reverse, modify or remand for additional review the action under appeal. The hearing shall be limited to matters raised on appeal. No new evidence shall be admitted at a public hearing.

(h) The failure to appeal within the fifteen (15) day period shall be deemed to be a waiver of the right to appeal for failure to exhaust administrative remedies.

(i) The appeal filing fee shall be per the published fee schedule as determined by the Board of Trustees. Failure to pay the fee according to the published fee schedule shall be deemed to be a waiver of the right to appeal.

19.17. - Enforcement and penalties.

(a) It shall be unlawful for any person to violate a provision of this chapter or the terms of a certificate of historic appropriateness. Any person, either as owner, lessee, occupant, or otherwise, who violates any of the provisions of this Chapter or any amendment thereof, or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this Chapter, shall be subject to penalties in Sec. 1-72 of the Municipal Code.

(b) In addition to the remedies in Sec. 19.17(a) above, if a designated structure is altered or demolished in violation of this Chapter, the violation shall be grounds for the Town to deny any permit required under the Municipal Code related to the use of the property or building on the property for a period of five (5) years from the Town's discovery of the violation or the Town may seek order from the Municipal Court or other court of competent jurisdiction an order from the court requiring the owner to cease the alteration or demolition or requiring the owner to return the structure to its condition prior to the unlawful alteration or demolition, including reconstruction of the structure in a manner that replicates as closely as possible the original structure. An owner subject to the remedies in this subsection may file for an appropriate permit under this Chapter seeking approval from the Town for the alteration or demolition. Such permit application shall be accompanied by the payment of an amount that is equal to double the current application fee. If the Town approves the application, then the five (5) year moratorium on permits shall be lifted and the owner may seek vacation of any court order.

(c) The remedies in this Section shall be deemed cumulative.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 12th day of July, 2016.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Joel Benson, Mayor

ATTEST:

_____
Janell Sciacca, Town Clerk

(SEAL)

CITY OF TRINIDAD, COLORADO

ORDINANCE NO. 1915

AN ORDINANCE OF THE CITY OF TRINIDAD, COLORADO, (I) AMENDING THE CITY'S OFFICIAL ZONING MAP FOR THE PURPOSE OF SUBDIVIDING THE "HP – CORAZON DE TRINIDAD HISTORICAL PRESERVATION DISTRICT" INTO AN "HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION RESIDENTIAL DISTRICT" AND AN "HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT" AND (II) AMENDING CHAPTER 14 ("PLANNING AND ZONING"), ARTICLE 4 ("ZONING ORDINANCE"), OF THE CODE OF THE CITY OF TRINIDAD, COLORADO, BY (i) RE-NAMING DIVISION 12 "ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION RESIDENTIAL DISTRICT" AND (ii) ADDING A NEW DIVISION 12.1 ENTITLED "ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT"

WHEREAS, Chapter II, § 2.4, of the Home Rule Charter for the City of Trinidad, Colorado, confers upon the City "all powers of local self government and Home Rule possible for a city to have under the Constitution and laws of [the State of Colorado] as fully and completely as though they were specifically enumerated in this Charter"; and

WHEREAS, § 31-23-301 *et seq.*, C.R.S., confers general zoning powers upon the City for the purpose of promoting health, safety, morals, or the general welfare.

WHEREAS, Section 14-112 of the City of Trinidad Code of Ordinances sets forth policy and standards for rezoning, and discourages rezoning unless to correct a manifest error or because of changed or changing conditions in a particular area of the City in general; and

WHEREAS, the City Council of the City of Trinidad recognizes the economic, architectural, cultural and historic significance of the existing HP - Corazon de Trinidad Historical Preservation District, and further recognizes the importance of protecting and preserving this valuable and irreplaceable resource; and

WHEREAS, upon review of the City's Official Zoning Map, the City of Trinidad has observed that the existing HP – Corazon de Trinidad Historical Preservation District encompasses two sub-districts that are substantially different in form, scale, intensity and use; and

WHEREAS, the City of Trinidad, in the interest of working toward a comprehensive revision of the City's zoning map, has made application to the City Planning, Zoning and Variance Commission and the City Council of the City of Trinidad, Colorado for a change in zoning classification of the described properties identified in Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the City Council of the City of Trinidad, Colorado, finds that the proposed changes in zoning classifications of the properties described in Exhibit "A", do not materially alter the City Zoning Ordinance (Articles 4, 5 and 6 of Chapter 14, Planning & Zoning) and are in keeping with the Comprehensive Plan for the regulation of land uses within the City of Trinidad, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that:

Section 1. Amendment of Official Zoning Map. The Official Zoning Map of the City of Trinidad, Colorado, is hereby amended by subdividing the "HP – Corazon de Trinidad Historical Preservation District" into an "HP – Corazon de Trinidad Historic Preservation Residential District" and an "HP – Corazon de Trinidad Historic Preservation Mixed-Use District," as described in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. Chapter 14, Article 4, Division 12 Re-named. Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), Division 12 ("Zone District Regulations for the HP – Corazon de Trinidad Historical Preservation District"), of the Code of the City of Trinidad, Colorado, is hereby re-named as follows:

DIVISION 12. ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION RESIDENTIAL DISTRICT.

Section 3. Chapter 14, Article 4, Division 12.1 Added. Chapter 14 ("Planning and Zoning"), Article 4 ("Zoning Ordinance"), of the Code of the City of Trinidad, Colorado, is hereby amended by the addition of a new Division 12.1, which shall read in its entirety as follows:

DIVISION 12.1. ZONE DISTRICT REGULATIONS FOR THE HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT.

Section 14-88.1. Purpose.

To establish minimum regulatory standards for development in the HP – CORAZON DE TRINIDAD HISTORIC PRESERVATION MIXED-USE DISTRICT (herein referred to as the "District") in furtherance of:

(1) Preserving the historic character, pedestrian scale and architectural distinctiveness of the District;

(2) Producing infill development that is architecturally compatible with the historic structures of the District;

(3) Encouraging the development of traditional mixed-use buildings within the District;

(4) Developing an urban form that is conducive to physical activity, alternative modes of transportation and increased opportunities for social interaction and community engagement; and

(5) Implementing predictable, high-quality development in the District.

Section 14-88.2. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

(1) **"Floor Area Ratio"** means the ratio of a building's gross floor area to the area of the lot on which the building is located.

(2) **"Gross Floor Area"** is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include accessory parking, basements when at least one-half the floor-to-ceiling height is below grade, attic space having a

floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps and/or inner courts.

(3) **"Mixed-Use Building"** means a building that contains at least one floor devoted to allowed nonresidential uses in accordance with Section 14-87 of this Division and at least one devoted to allowed residential uses in accordance with Section 14-87 of this Division.

(4) **"Historic Structure"** means any structure that was substantially completed prior to 1950.

Section 14-88.3. Uses.

(1) Commercial Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
Commercial		
Use	**Street and Sub-Street Level**	**Above Street Level**
Retail Sales	P	C
Wholesale Establishments:		
Less Than or Equal to 1,500 Square Feet of Floor Area	P	C
Greater Than 1,500 Square Feet of Floor Area	C	C
Business, Professional and Semi-Professional Services	P	P
Personal Services Including Health Clubs and Gyms	P	C
Eating and Drinking Establishments:		
Restaurant	P	C
Tavern	C	C
Art Galleries	P	C
Art Studios	C	P
Theater or Performance Art Center*:		
Small (1-149 Seats)	P	C
Large (150+ Seats)	C	C
Medical Services	C	C
Hotels and Other Lodging Establishments*:		
Small (1-16 Rooms)	P	P
Large (17+ Rooms)	C	C
Mortuary or Funeral Home	C	C
Vehicle Sales	C	N
Vehicle Repairs	P	N
Drive Through Facilities	N	N

*Theaters, performing art centers, museums, libraries, hotels and lodging establishments must feature first floor lobbies, restaurants and/or retail space along the property frontage.

(2) Industrial and Manufacturing Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
Industrial and Manufacturing		
Use	**Street and Sub-Street Level**	**Above Street Level**
Fabrication or Assembling Incidental to Retail		
Less Than or Equal to 25% of Total Floor Area	P	C
Greater Than 25% of Total Floor Area	C	C
Brewery	C	C

(3) Residential Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
Residential		
Use	**Street and Sub-Street Level**	**Above Street Level**
Apartments	C	P
Assisted Living	C	C
Nursing Home	C	C

(4) Public and Community Uses

Allowable Uses (P - Permitted by Right; C - Conditional Use; N - Not Permitted)		
Public and Community		
Use	**Street and Sub-Street Level**	**Above Street Level**
Government Offices and Services	C	C
Colleges, Universities and Public Schools	C	C
Libraries*	C	C
Museums*	P	C
Cultural Exhibits	C	C
Child Day Care	C	C
Religious Assembly	C	C
Parking Facilities (Not Ancillary to a Given Structure):	C	C
Surface	C	N
Deck	C	C
Parks and Recreational Facilities	C	C
Public Utilities:		
Electric Substations	C	C
Gas Regulator Stations	C	C
Fire Stations	C	C
Police Stations	C	C
Telephone Exchanges	C	C
Water Storage Facilities	C	C
Water Pumping Stations	C	C
Sewer Lift Stations	C	C

*Theaters, performing art centers, museums, libraries, hotels and lodging establishments must feature first floor lobbies, restaurants and/or retail space along the property frontage.

(5) Individual Levels in Mixed-Use Buildings

Individual levels in mixed-use buildings may not have a combination of residential uses and non-residential uses unless the non-residential uses are disconnected from the residential uses with separate points of ingress and egress.

Section 14-88.4. Conditional uses.

(1) A non-conforming use associated with an historic structure in the District may be reestablished as a conditional use if the design of the historic structure reasonably implies the use of the structure and/or precludes the establishment of a conforming use within the District as defined in Section 14-88.3 of this Division.

(2) For each proposed conditional use, the applicant shall provide the Commission with site development plans showing the proposed development or use and its relationship to adjacent properties. Said site development plans shall show existing contours of the site at two foot (2') intervals, the location of all structures and appurtenances, the location of improvements on the site, the height and bulk of proposed structures, description and placement of screening, availability of utilities if applicable and a statement of the time-sequence of development and environmental impact on properties in the immediate vicinity. The City may, within reason, prescribe any additional conditions regarding intensity, limitation of use, appearance, hours of operation, required open space or any other such condition which may be deemed necessary and in the public interest.

Section 14-88.5. Building and Area Regulations.

(1) *Building Height*

No building or accessory to said building shall exceed five (5) stories or fifty (50) feet in height.

(2) *Floor Area*

The maximum floor area ratio shall be [5.0] for all mixed-use buildings and [3.0] for all single-use buildings.

(3) *Floor-to-Floor Height for Street Level Space*

All street level space must have a minimum floor-to-ceiling height of ten (10) feet.

(4) *Minimum Residential Floor Area*

(a) Studio, efficiency or one (1) bedroom units – 650 square feet.

(b) Two (2) bedroom units – 800 square feet.

(c) Three (3) bedroom units – 900 square feet.

(d) Four (4) bedroom units – 1000 square feet

(5) *Residential Density*

Residential density shall not exceed twenty-five (25) dwelling units per acre.

(6) *Minimum Lot Area*

The minimum lot area shall be two-thousand five-hundred (2,500) square feet.

(7) *Minimum Lot Frontage*

The minimum lot frontage shall be twenty-five (25) feet.

(8) *Setbacks*

(a) Front

The front yard setback for structures in the District shall be zero (0) feet. The entire building façade must abut street side property lines.

(b) Side and Rear

No interior side yard setback or rear yard setback is required for structures in the District unless the property on which the structure is to be located abuts an alley or a fenestrated building face on one or more sides. The minimum setback shall be five (5) feet from all property lines that abut an alley or fenestrated building face.

Section 14-88.6. Parking

(1) No off-street parking is required for non-residential uses in the District.

(2) Off-street parking must be provided for all residential uses in accordance with the requirements of Section 14-100 of the City of Trinidad Code of Ordinances.

(3) All off-street parking shall be located to the rear of the principal building and shall be screened with landscaping or a masonry wall so as to not be visible from any public right-of-way or residential zoning districts. A screening plan showing all proposed screening must be submitted with the land development and building permit applications.

Section 14-88.7. Architectural and Design Standards

A detailed set of architectural drawings must be included with all land development and building permit applications. In addition to building massing, location and design, said architectural drawings must indicate all proposed building materials, architectural detailing, color schemes, street furniture, landscaping and all other significant design features in accordance with the following architectural and design standards:

(1) Use of the following materials on building façades is prohibited:

(a) smooth-faced concrete;

(b) concrete block;

(c) metal or vinyl siding; and

(d) materials of similar nature to those listed above.

Examples of façade materials that are prohibited in the Corazon de Trinidad Historic District

Smooth-Faced Concrete

Corrugated Metal

Pre-Fabricated Metal Panels

(2) The principal materials used on building façades shall be indigenous to the Corazon de Trinidad National Historic District, particularly high quality brick, stone and/or wood.

Examples of façade materials that are indigenous to the Corazon de Trinidad Historic District

Brick

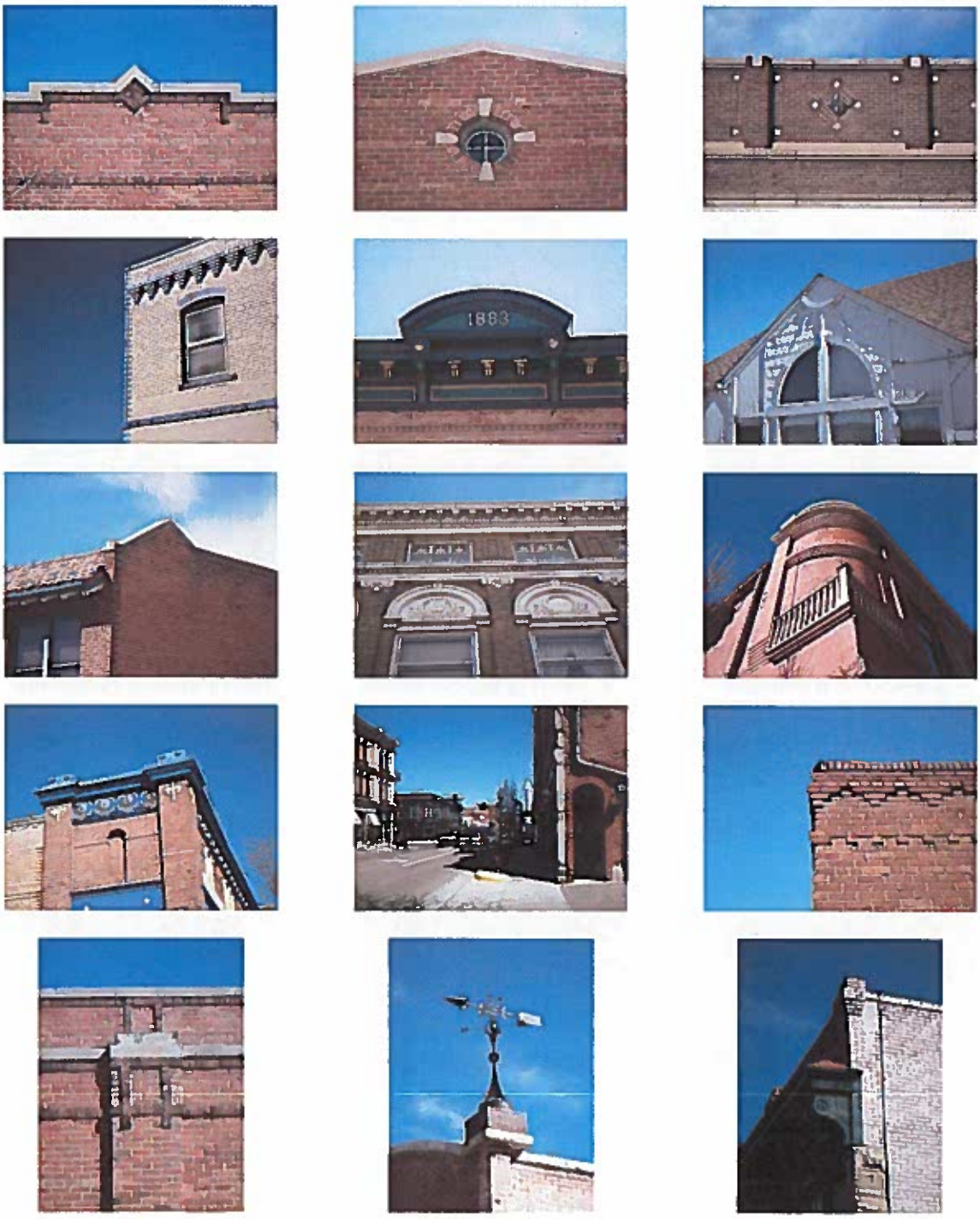
Stone

Wood

(3) Long blank walls are prohibited.

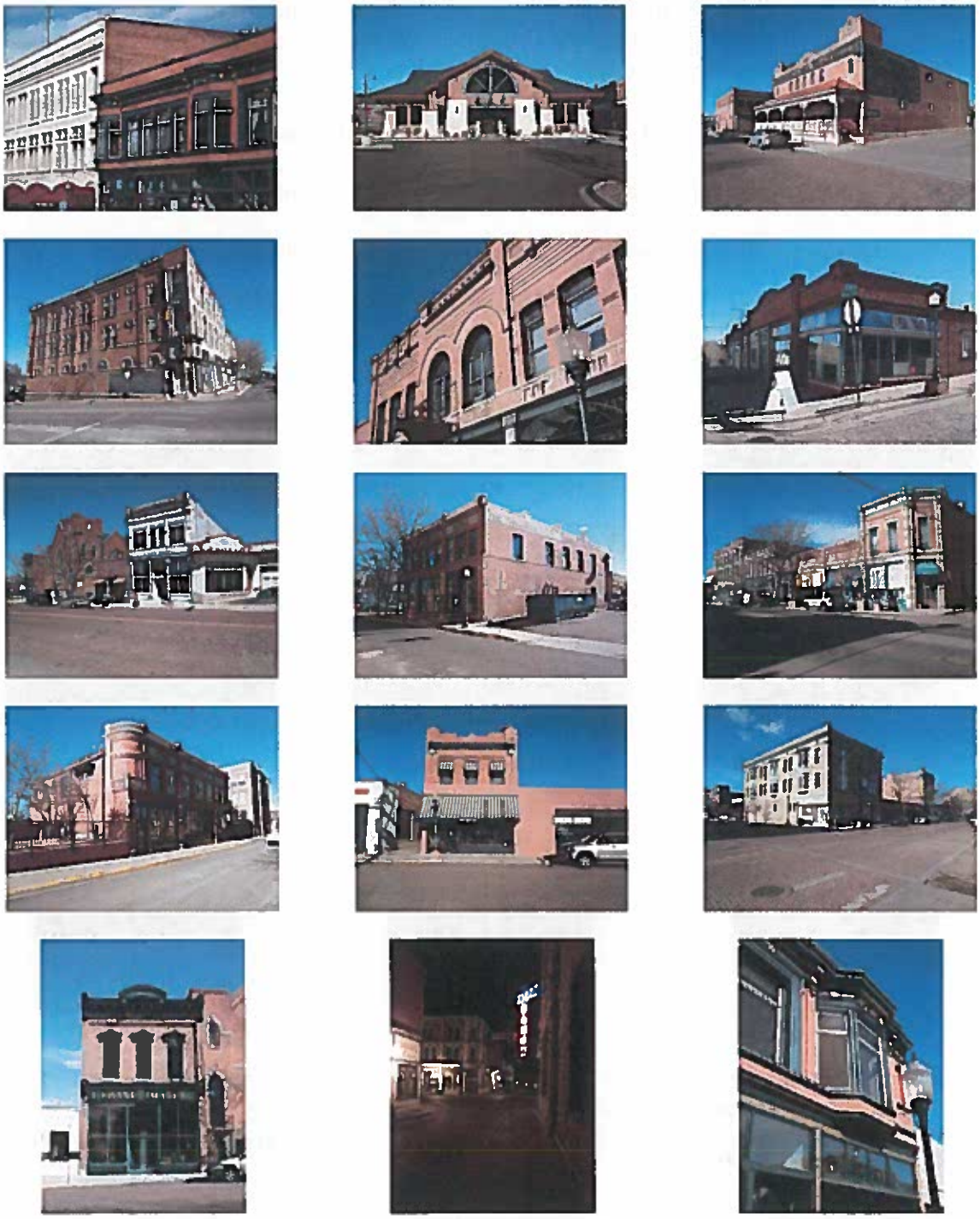
(4) Building façades shall be articulated by the use of architectural treatments characteristic of the Corazon de Trinidad National Historic District.

Examples of architectural treatments that are characteristic of the Corazon de Trinidad Historic District



(5) Building design must be characteristic of the Corazon de Trinidad National Historic District.

Examples of building designs that are characteristic of the Corazon de Trinidad Historic District

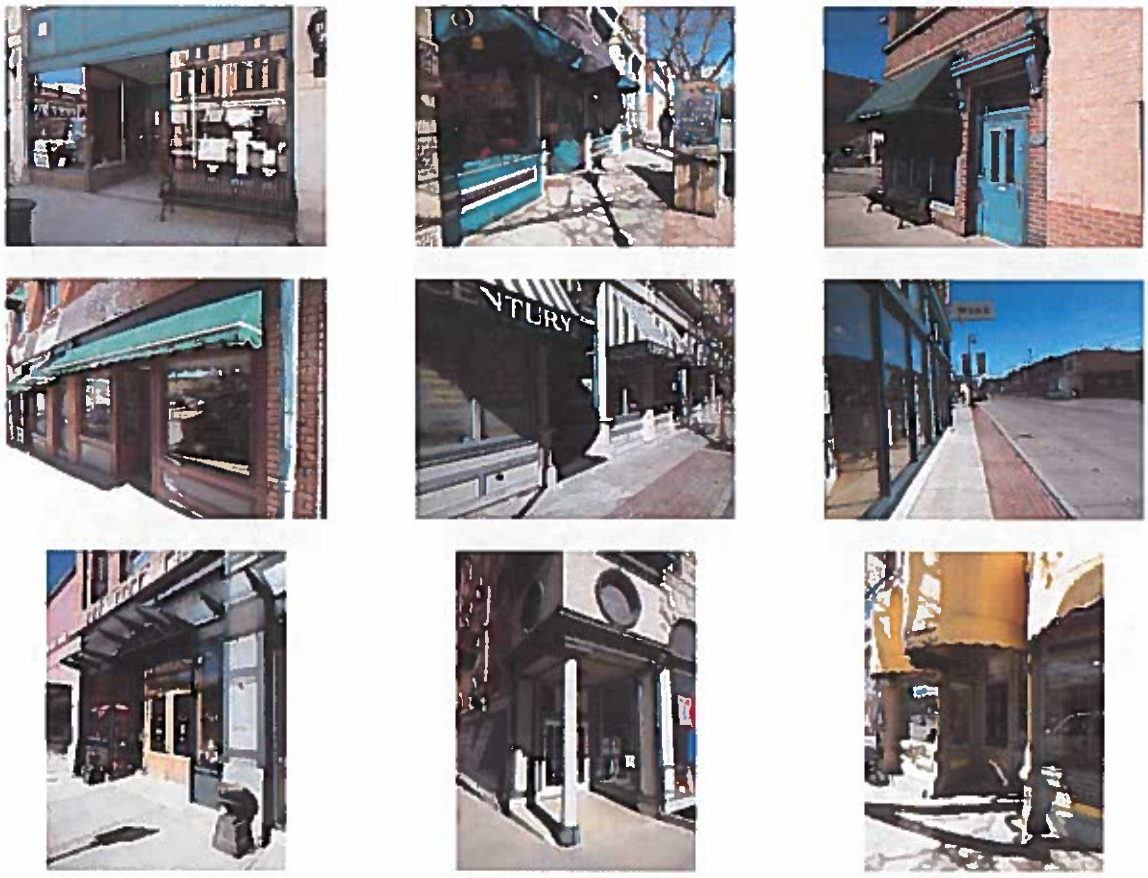


(6) Ground floor façades abutting public roads and/or parking lots shall feature display windows and entry areas on no less than sixty (60) percent of the horizontal façade length.

(7) Ground floor display windows must be internally lighted, must have a minimum height of four (4) feet and may not be more than three and one-half (3.5) feet above the adjacent sidewalk measured from the bottom of the window.

(8) Building façades shall have clearly defined customer entry areas that utilize distinguishing architectural features such as overhangs, recesses, arches, display windows and/or planters. Said entry areas must be located along a public sidewalk if possible.

Examples of storefronts and entry areas in the Corazon de Trinidad Historic District



(9) Mechanical equipment such as HVAC units, solar panels or similar equipment must be located out of public view. Architecturally appropriate parapets must be used to conceal all rooftop equipment. The height of said parapets shall not exceed fifteen (15) percent of the supporting wall.

(10) Overhanging eaves shall extend no more than three (3) feet past the supporting wall.

(11) Sloping roofs must not exceed the average height of the supporting walls. All sloping roofs must feature a gutter system that prevents snow, water and debris from falling onto any adjacent sidewalk or public space.

(12) No more than one curb cut will be allowed per building and curb cuts are not allowed for lots that abut alleys.

(13) The façade design and material composition of all accessory structures must be compatible with the façade design and material composition of the main building.

(14) All proposed street furniture and landscaping must be compatible with existing street furniture and landscaping in the District.

Examples of street furniture in the Corazon de Trinidad Historic District

14-88.8. Historic structure preservation, restoration and rehabilitation.

(1) No historic structure located in the District may be demolished or otherwise removed unless said historic structure has been certified as both structurally compromised and irreparable by a structural engineer licensed in the State of Colorado.

(2) Removal or alteration of any original architectural feature on an historic structure in the District is prohibited unless said architectural feature has been certified as both structurally compromised and irreparable by a structural engineer licensed in the State of Colorado. Significant architectural details include, but are not limited to:

- Roofs
- Exterior Walls
- Pediments
- Cornices
- Windows and Window Frames
- Belt Courses
- Transoms
- Piers
- Columns
- Doors
- Kickplates

(3) Repairs made to historic structures in the District must be made in accordance with the Secretary of the Interior's Standards for Rehabilitation:

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated

from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

14-88.9. Signage.

The requirements of Article 4, Division 13 of the City of Trinidad Code of Ordinances shall apply to all land development projects in the District. In addition:

(1) A sign plan shall be included as part of all development proposals within the District;

(2) Signs for all uses within a given development project must be uniform in style, materials and illumination and be compatible with and respectful of the historic nature of the District;

(3) Sign location shall be limited to building surfaces, canopies, overhangs and behind storefront doors or display window glass. No freestanding and/or rooftop signs will be allowed in the District;

(4) Replication of Trinidad's historic painted signs is strongly encouraged on all new development projects.

(5) Removal or destruction of painted 'ghost' signage on existing structures is prohibited.

Examples of signage that are characteristic of the Corazon de Trinidad Historic District

Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance, or of any of the primary or secondary codes adopted by reference herein, be judicially determined unconstitutional or invalid for any reason, such decision shall not affect the validity or

constitutionality of the remaining portions of this Ordinance or codes adopted by reference. The City Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

Section 4. Effective Date. This ordinance shall be published and become effective ten (10) days after final passage, as provided in § 5.5 of the Home Rule Charter for the City of Trinidad, Colorado.

INTRODUCED BY COUNCILMEMBER PANDO, READ AND ORDERED PUBLISHED this 7th day of June, 2011.

FINALLY PASSED AND APPROVED this 21st day of June, 2011.

THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the 1st day of July, 2011.

CITY OF TRINIDAD, COLORADO

_____

JENNIE GARDUNO, Mayor

ATTEST:

By:_____

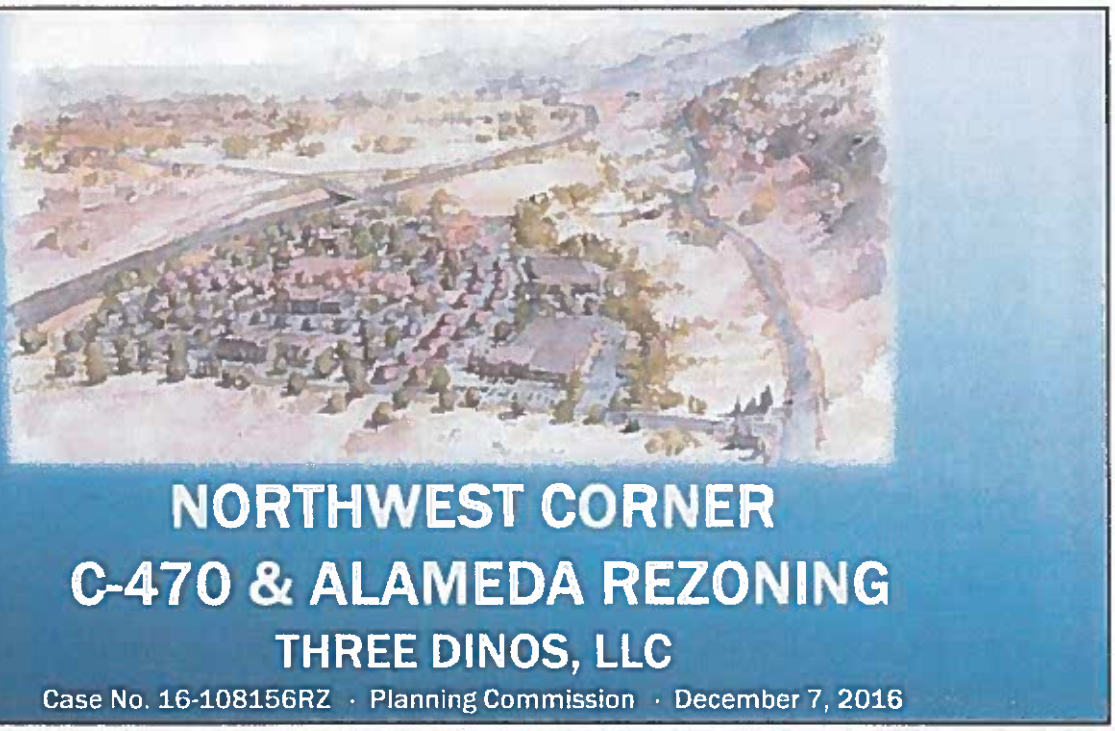
AUDRA GARRETT, City Clerk

Exhibit 'A'

Applicant's Presentation 12/1/16

12/7/2016

5B



NORTHWEST CORNER
C-470 & ALAMEDA REZONING

THREE DINOS, LLC

Case No. 16-108156RZ · Planning Commission · December 7, 2016

REQUEST

Rezone the northwest corner of C-470 and Alameda Parkway from CD-RM, A-2, & R-1 to Planned Development (PD) to add three permitted uses and to limit existing uses

- Request reflects a **minor change** to current zoning, **consistent with the Comprehensive Master Plan**, and adds **development standards that exceed County requirements**

AGENDA

- Introductions
- History of the property
- Project vision
- Public outreach and neighborhood input
- Approval criteria

TEAM

OWNERSHIP

Three Dinos, LLC
- –Greg Stevinson
- –Bill Jenkins
- –Mary Beth Jenkins
- –John Mullins

PLANNING & DESIGN

Baseline Corp.
- –Ethan Watel
- –Noah Nemmers
- –Fred Lantz
- –Mike Anderson

COMMUNITY OUTREACH

CRL Associates
- –Sean Maley
- –Roger Sherman

LEGAL

Otten Johnson
- –Tom Ragonetti
- –Brian Connolly

HISTORY OF THE PROPERTY

1860
- 4,500 acre Rooney Ranch settled by Alexander Rooney

1937
- Alameda Parkway constructed over Hogback

1958
- Regional planning identifies need for southwest beltway route

1978
- Planning, engineering, and environmental clearance for C-470

1982
- Construction of C-470 begins

1990
- C-470 completed

HISTORY OF THE PROPERTY

Late 1990s
- Planning for C-470/ Alameda Parkway interchange occurs

2007
- County initiates rezoning of land surrounding the interchange to CD-RM (Corridor District – Medium Scale Retail) designation in contemplation of future commercial development at new interchange

2008
- C-470/Alameda Parkway interchange opens
- Three Dinos, LLC purchases property from Rooney, Inc.

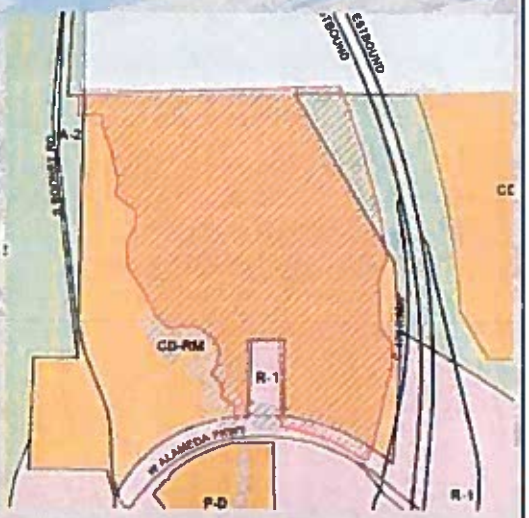
2011
- Comprehensive Master Plan updated, designating the four quadrants of the interchange as the C-470/Alameda Activity Center

2016
- Three Dinos, LLC submits applications to rezone the northwest and southeast quadrants of the interchange to add three permitted uses on the northwest corner, and two permitted uses on the southeast corner

CURRENT ZONING

Corridor District Medium Scale Retail (CD-RM)

- Uses by right:
  - Restaurants, including fast food or carry-out; department store; retail shopping facilities; industrial uses; laboratories; light manufacturing, processing, fabrication of commodities; research and development facilities; business and professional offices, medical and dental offices, clinics, emergency facilities, hospitals; indoor recreational facilities; convenience service establishments (barber shops, cleaners, shoe repair, etc.); grocery store; banks, financial institutions; specialty goods and services (art galleries, plant store/nursery, pet stores, book stores, drug stores); medical supply and drug store; telecommunications; energy conversion systems; daycare centers (child or adult)
- Special review uses include hotel, gas station, auto repair facility, building materials retail



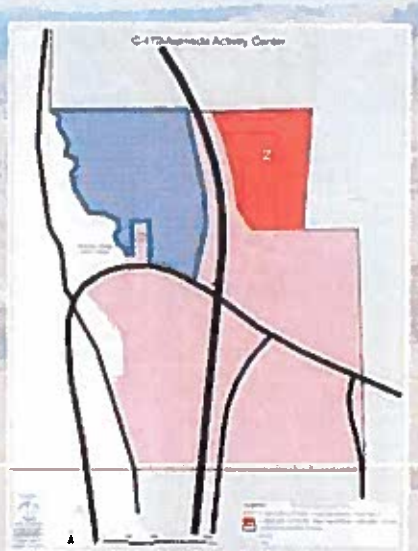
NORTHWEST CORNER C-470 & ALAMEDA 7

COMPREHENSIVE MASTER PLAN DESIGNATION

C-470/Alameda Activity Center

– Designated for "Large Scale Commercial"

The construction of the interchange at C-470 and West Alameda Parkway and recent rezoning cases have made the land surrounding the interchange prime for higher intensity uses. This area should allow for retail, office, light industrial, and multi-family residential uses. See the C-470 & Alameda Activity center map for specific recommendations.



Source: Jefferson County Comprehensive Master Plan

NORTHWEST CORNER C-470 & ALAMEDA 8

COMPREHENSIVE MASTER PLAN DESIGNATION

Activity Center

A compact geographic area of the community where a mix of more intense land uses occur. They provide focus for the community and convenient access to employment, goods, and services. Typical uses may include office, light industrial, retail, entertainment, higher density residential, community uses, and public and private open space.

These areas typically have highway or arterial vehicular access or transit station access, offer a full range of services, and are able to absorb the most adverse impacts of higher intensity mixed-use development, without adversely affecting lower density areas. The concentration of these uses promotes the efficient use of land and public services, such as water, sanitation, fire and police protection, recreation and open space, and transportation.

Also referred to as Village Centers, Neighborhood Centers, and Community Centers in existing community plans.

Large Scale Commercial (LSC): Commercial uses that may have a regional draw. These include all Neighborhood Commercial uses, retail, office, and light industrial uses of any size, hotels and motels, hospitals, and automobile dealerships.

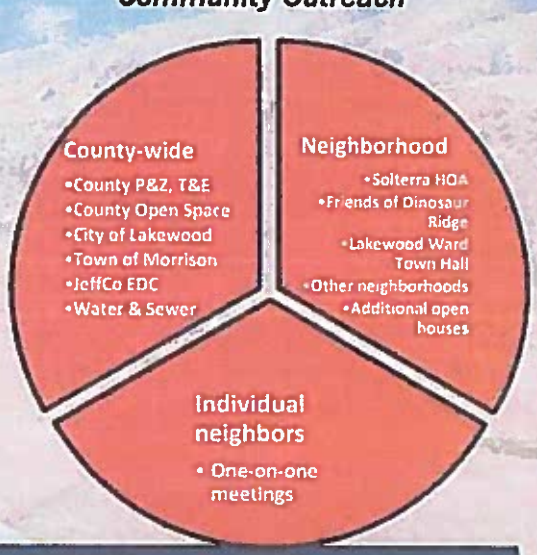
Source: Jefferson County Comprehensive Master Plan

PROJECT VISION

- ***Four-corner plan***: establish an activity center including retail, office, and industrial uses
- Southeast corner vision: neighborhood-oriented retail site, small-scale retail, grocery, restaurants, gas station, and hotel
- Northwest corner vision: a regional commercial node including office, light industrial, hotel, and regional retail uses
  - Attract infrastructure to the interchange with limited automotive retail use
    - 28 acres of automotive retail out of 120 acres on all four corners; up to four dealerships
  - Generate primary and other high-paying jobs
    - Reserve 9 acres of the northwest corner for primary job-creating uses, planning primary job-creating uses on Northeast and Southwest corners as well

PUBLIC INPUT AND PROJECT SHAPING

- 50+ meetings with stakeholders over the course of 14 months
- Project communication:
  - Community meetings, presentations
  - Email, newsletter blasts
  - Project website: C470andAlameda.com
  - One-on-one meetings and communication



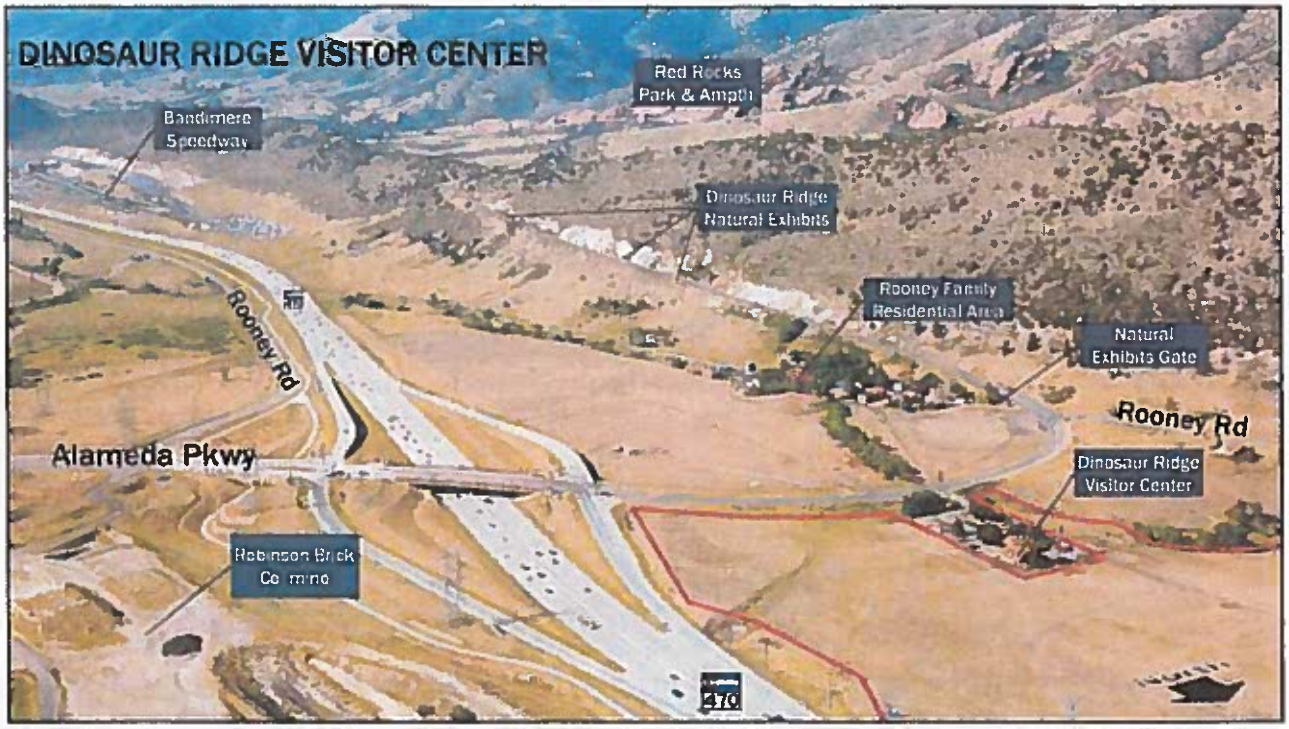
PUBLIC INPUT AND PROJECT SHAPING

- Stakeholders' comments:
  - Take steps to mitigate traffic from new development and ensure safety of cars, bikes, pedestrians
  - Remove the proposed motorcycle dealership use from the southeast corner of the interchange
  - Preserve and protect the open spaces near the property; limit impacts of new development on open space users
  - Control lighting and noise to ensure no adverse impact on open space lands and residences
  - Screen new development to avoid aesthetic impacts on surrounding properties
  - Control signage to ensure that it is not visually intrusive
  - Consider the Dinosaur Ridge Visitor Center in any future plans
  - Do not disturb historic archaeological and paleontological resources
  - Ensure that the project facilitates the creation of primary, high-paying jobs to support Jefferson County's continued growth

PUBLIC INPUT AND PROJECT SHAPING

- Motorcycle sales use has been withdrawn from southeast corner parcel
- Job-creating uses reserved
  - Nine acres of the northwest corner will be reserved for non-retail uses
  - Automobile dealership use limited to 28 acres on northwest corner
- Lighting restrictions exceed County standards
  - No light trespass, limits on maximum and average brightness at ground level
  - Nighttime dimming or shutoff between 10 p.m. and 6 a.m.
  - No light poles more than 20 feet high, fully-shielded, downcast lighting
- Noise mitigation
  - No outdoor announcement systems
  - Required to meet County noise standards
- Screening
  - Landscaping buffer along western and northern property lines (*no setback is currently required*), setbacks and landscape buffers from private internal streets
  - Screening of vehicle inventory parking areas with landscaping and architecturally-integrated screening walls
- Recreational improvements
  - Adding bike paths and trails along Alameda Parkway and throughout the property to provide connections for neighbors and visitors to open space areas. Dinosaur Ridge Visitor Center

NORTHWEST CORNER C-470 & ALAMEDA 13



DINOSAUR RIDGE VISITOR CENTER

- Collaboration with County Open Space staff and Friends of Dinosaur Ridge
- Consideration of multiple development scenarios
  - Relocation of Visitor Center
  - Maintain Visitor Center in its current location
- Current deficiencies at Visitor Center
  - Lack of adequate parking
  - No public water supply or sanitary sewer
  - Small structure
- Applicant has agreed to assist Friends of Dinosaur Ridge with fundraising for new visitor center and related improvements
  - $700,000 cash payments
  - Land reserved for future parking needs
  - Additional fundraising assistance
  - Opportunities for infrastructure sharing

APPROVAL CRITERIA

Degree of conformance of the proposed zone change to applicable land use plans

Large Scale Commercial (LSC): Commercial uses that may have a regional draw. These include all Neighborhood Commercial uses, retail, office, and light industrial uses of any size, hotels and motels, hospitals, and automobile dealerships.

Source: Jefferson County Comprehensive Master Plan

APPROVAL CRITERIA

Compatibility of permitted land uses with existing and allowable land uses in the surrounding area

- Mitigation measures to achieve compatibility with immediately-adjacent open space lands
  - Screening, noise, lighting restrictions
  - Non-motorized trail improvements to provide connections between residential areas and open spaces

APPROVAL CRITERIA

Effect upon public health, safety, and general welfare of residents and landowners in the surrounding area

- Benefits to homeowners:
  - New retail shopping opportunities
  - Access to neighborhood and regional services
  - 25% reduction in traffic generation compared with existing permitted uses
- Benefits to Dinosaur Ridge Visitor Center
  - Cash payment toward future new visitor center, with additional fundraising assistance
  - If staying at current location, thoughtful integration into site plans and additional exposure for the Visitor Center
  - Opportunities for shared infrastructure, parking, amenities
- Benefits to County (open space landowner)
  - Generate 0.5% sales tax for open space
  - Repayment of loan for interchange construction
  - Economic development and job creation

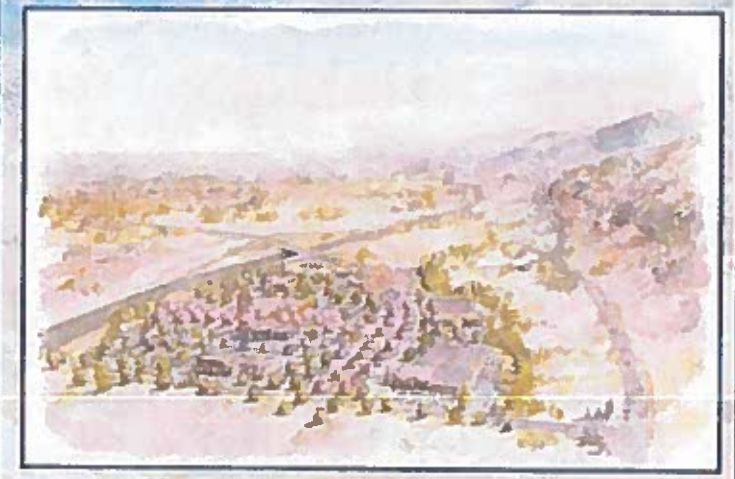
ACHIEVING BALANCE

- Comprehensive Master Plan/Central Plains Area Plan goals:
  - "Higher intensity uses"
  - "Retail, office, light industrial, and multi-family uses"
  - "Primary jobs"
  - "All retail on all four quadrants is not desired"
  - "Warehousing, mini-warehouses"
  - "Dinosaur Ridge Visitor Center should be allowed to continue to operate" and "should be integrated into new development"
  - "Complement the character of the existing historic structures on the Rooney Ranch Centennial Farm"
- Zoning Resolution: achieve compatibility with surrounding land uses
- Accommodating goals requires **balanced development**
  - Add some retail; reserve some primary job uses; integrate Dinosaur Ridge Visitor Center; include screening, buffering, landscaping, recreational trail connections

REQUEST

Rezone the northwest corner of C-470 and Alameda Parkway from CD-RM, A-2, R-1 to PD to add three permitted uses and to limit existing uses

- Request reflects a minor change to current zoning, consistent with the Comprehensive Master Plan, and adds development standards that exceed County requirements



ADDITIONAL MATERIALS

RESPONSES TO FORM LETTER

- Tax revenue: dealerships will provide sales tax revenue on vehicle sales, parts, service, dealerships will also provide property tax revenue
- Wildlife: studies commissioned by Friends of Dinosaur Ridge have confirmed that the property and surrounding areas are not significant wildlife habitat
- Recreation: proposed project will generate far less weekend traffic than otherwise allowed, mitigation measures have been taken to reduce lighting, noise, visual impacts
- Master Plan: the rezoning is squarely consistent with the land use recommendations of the plan
- Cyclists: the proposed project will add bike lanes around and through the project, which do not currently exist
- Economic impact: automotive retail jobs pay nearly the same salaries as warehousing/light industrial jobs, generate more sales tax, and do not have the same truck traffic impacts
- Impacts to community: there is no evidence to suggest that commercial development at this interchange will negatively influence property values; proposed commercial development will likely increase property values due to the availability of commercial services in close proximity to residential areas

SIGN RESTRICTIONS

- Applies sign code in effect as of January 2017
- Prohibitions: handheld commercial advertising; no signage on motor vehicles; no raised or open hoods, trunks, doors; no LED signs
- No permit required
  - Up to 6 temporary signs, maximum of 6 months of display time, up to 8 square feet each
  - 2 square foot tablets carved into buildings
- Sign illumination
  - May only be illuminated by a downcast, concealed source
  - Internally-illuminated signs require opaque background and translucent text, or dark background and light text
- Ground signs
  - Allow 2 signs per access point for project identification, up to 50 square feet per face
  - 1 ground sign per single-tenant building, up to 2 signs faces for multi-tenant buildings
- Wall signs
  - 1 square foot per linear foot of building frontage, not to exceed 350 square feet; no individual sign greater than 150 square feet; for buildings with less than 100 feet in frontage, 50 square feet or 1 square foot per linear frontage, whichever is greater
- Sign setback: 8 feet from right-of-way, 100 feet between ground signs
- Materials: must be similar to building materials

LIGHTING RESTRICTIONS

- The maximum foot-candle measurement at the exterior property boundary shall be 0.2.
- Lighting fixtures attached to any buildings shall not project above the fascia or roofline of such building, and shall not exceed 20 feet above the top of the building foundation.
- For service station canopies, luminance shall not exceed a maximum of 25 foot-candles measured at ground level directly below the light source.
- Average luminance for parking lot areas shall not exceed 3 foot-candles as demonstrated on a photometric plan to be submitted with a Site Development Plan.
- Maximum illuminance for any other area of 10 footcandles.
- All luminaires mounted on or recessed into the lower surface of service station canopies and parking structures shall utilize flat lenses.
- Building wall-mounted floodlights and rotating spotlights are prohibited.
- Current County lighting standards:
  - Prohibited: strobe lights, search lights, lasers, high intensity beams, blinking/flashing/flickering/rotating/pulsing, exposed neon
  - Cut off fixtures required for lamps over 2,800 lumens (i.e. 200-watt incandescent bulb)
  - Maximum illumination at property line: 0.6 foot-candles
  - No required dimming, limits on luminance interior to property, on/off times, etc.

MOTOR VEHICLE DEALERSHIP PERFORMANCE STANDARDS

- Required delineation of parking areas: customer, employee, vehicle display, inventory/storage
- Shade structures with solar panel roofs
- Required screening of inventory areas: minimum 6 foot tall masonry wall and 10 foot wide landscaping screen at 1 tree per 30 linear feet and 5 shrubs per 1,000 square feet. Wall facades shall be composed of at least 75% masonry materials, with other opaque materials spaced every fifty (50) feet as visual breaks
- No sales operations may occur before 9:00 A.M. or after 9:00 P.M. on any day of the week. No service operations may occur before 7:00 A.M. or after 9:00 P.M. any day of the week.
- Use of outdoor loudspeakers, public announcement, paging systems, or other noise attention or attracting devices is prohibited
- Lighting
  - Maximum 25 foot-candles
  - Average of 5 foot-candles in display areas
  - Average of 3 foot-candles in inventory areas
- Any light fixture located on a light pole (that is not a security light) shall be turned off or dimmed between the hours of 10:00 P.M. and 6:00 A.M. Mountain Time the next day except for security lighting deemed necessary by the land and/or business owner for the safety of employees and customers exiting or entering the building or site.
- Restrictions on: vehicle display pads, loading, other sign design standards

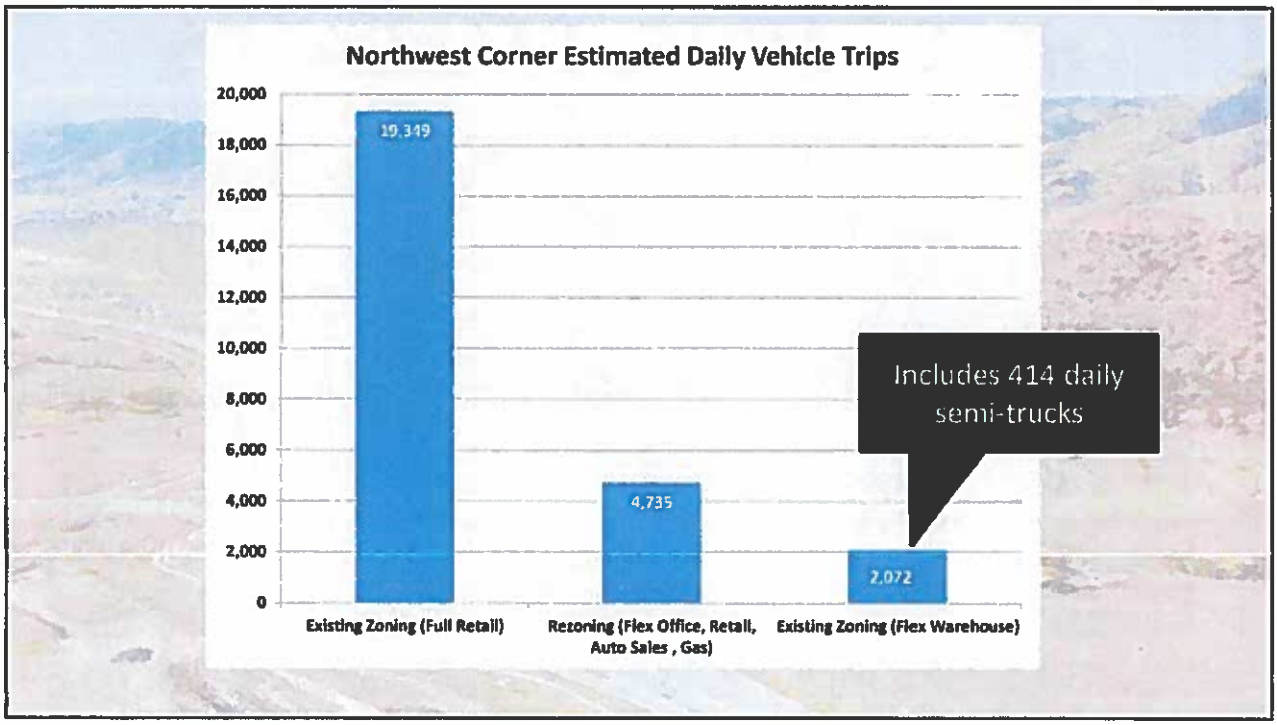
HOTEL/MOTEL STANDARDS

- Primary entrances on primary street frontages, minimize parking and delivery areas adjacent to C-470
- Recreational facilities required
- Three amenities requires for each
  - Benches, chairs, seat-walls
  - Shade structure
  - Water feature
  - Public art
  - Pedestrian-scale kiosk
- Minimum of 2,000 square feet of common usable area
- Interior hallway guest room access
- Covered dropoff/carport to accommodate loading/unloading
- 5-foot landscaped buffers between ground floor units and walkways, parking areas, or amenities

TRAFFIC

Compares maximum traffic generation to preferred scenario

- Maximum traffic generation under existing zoning: 19,349 daily trips
  - Assumes retail, fast food, coffee shops
  - 1,000 A.M. peak, 1,500 P.M. peak
- Traffic generation for all flex-office uses: 2,072 daily trips (414 trucks)
  - 300 A.M. peak, 290 P.M. peak
- Preferred concept: 4,735 daily trips
  - 286 A.M. peak, 417 P.M. peak



ECONOMIC STUDY

- Anticipated generation of 356 jobs at northwest corner, 1,287 overall
- Combination of uses on northwest corner will produce higher salaries than otherwise possible
  - Automotive retail salaries are 2.3 times retail salaries
  - Light industrial/warehouse salaries approximately $70,000 per year

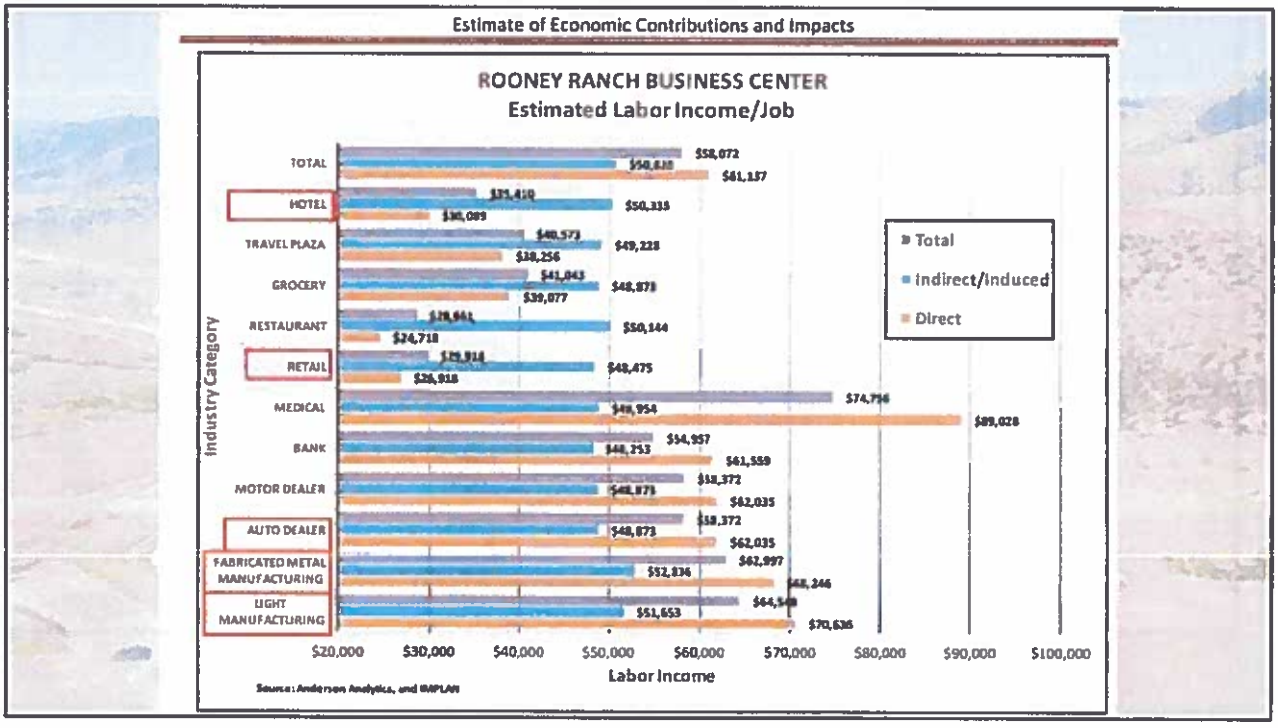
TABLE 2
ROONEY RANCH BUSINESS CENTER
ESTIMATED ON SITE EMPLOYMENT

Building	Use 1/	Sq. Ft. 1/	Sq. Ft./Job 2/	Total Empl
Northwest Corner of Project				
A	FLEX/WAREHOUSE	52,000	1,200	43
B	FLEX/WAREHOUSE	52,000	1,200	43
C	AUTOMOBILE	16,800	455	37
D	AUTOMOBILE	53,000	455	116
E	AUTOMOBILE	16,500	455	36
F	AUTOMOBILE	16,500	455	36
G	GAS	4,000	362	11
H	RETAIL	8,800	526	17
I	RETAIL	8,800	526	17
	Sub-total	228,400		356

TABLE 2
ROONEY RANCH BUSINESS CENTER
ESTIMATED ON SITE EMPLOYMENT

Building	Use 1/	Sq. Ft. 1/	Sq. Ft./Job 2/	Total Empl
Northwest Corner of Project				
A	FLEX/WAREHOUSE	52 000	1 200	43
B	FLEX/WAREHOUSE	52 000	1 200	43
C	AUTOMOBILE	16 000	455	37
D	AUTOMOBILE	53,000	455	116
E	AUTOMOBILE	16 000	455	36
F	AUTOMOBILE	16 000	455	35
G	GAS	4,000	363	11
H	RETAIL	8 000	526	17
I	RETAIL	8 000	526	17
	Sub-total	270 000		350
Northeast Corner of Project				
A	FLEX/WAREHOUSE	26 000	1 200	22
B	FLEX/WAREHOUSE	47 000	1 200	40
C	FLEX/WAREHOUSE	38 500	1 200	32
D	FLEX/WAREHOUSE	61 000	1 200	52
E	FLEX/WAREHOUSE	58 000	1 200	49
F	FLEX/WAREHOUSE	70 400	1 200	59
G	FLEX/WAREHOUSE	64 000	1 200	53
	Sub-total	377 000		315
Southeast Corner of Project				
A	GAS	4 000	363	11
B	GROCERY	34,000	363	97
C	HOTEL	45 000	1 200	38
D	OFFICE	10 000	511	20
E	MOTORCYCLE	46 000	455	98
F	RESTAURANT	5 200	264	19
G	RETAIL	9 000	526	15
H	RETAIL	8 000	526	15
I	RESTAURANT	3 600	264	13
J	RESTAURANT	3 600	264	13
K	OFFICE	10,000	511	21
L	OFFICE	10 000	511	21
	Sub-total	190 000		363
Southwest Corner of Project				
A	FLEX/WAREHOUSE	37 500	1 200	31
B	FLEX/WAREHOUSE	61,750	1 200	79
C	FLEX/WAREHOUSE	78,750	1,200	66
D	FLEX/WAREHOUSE	93 750	1 200	79
	Sub-total	301 750		253

1/ Gross GFA in Sq. Feet.
2/ 2.5 Employment assumptions / ft. usually adjusted to where you may have
Source: Rooney and Anderson Analytics



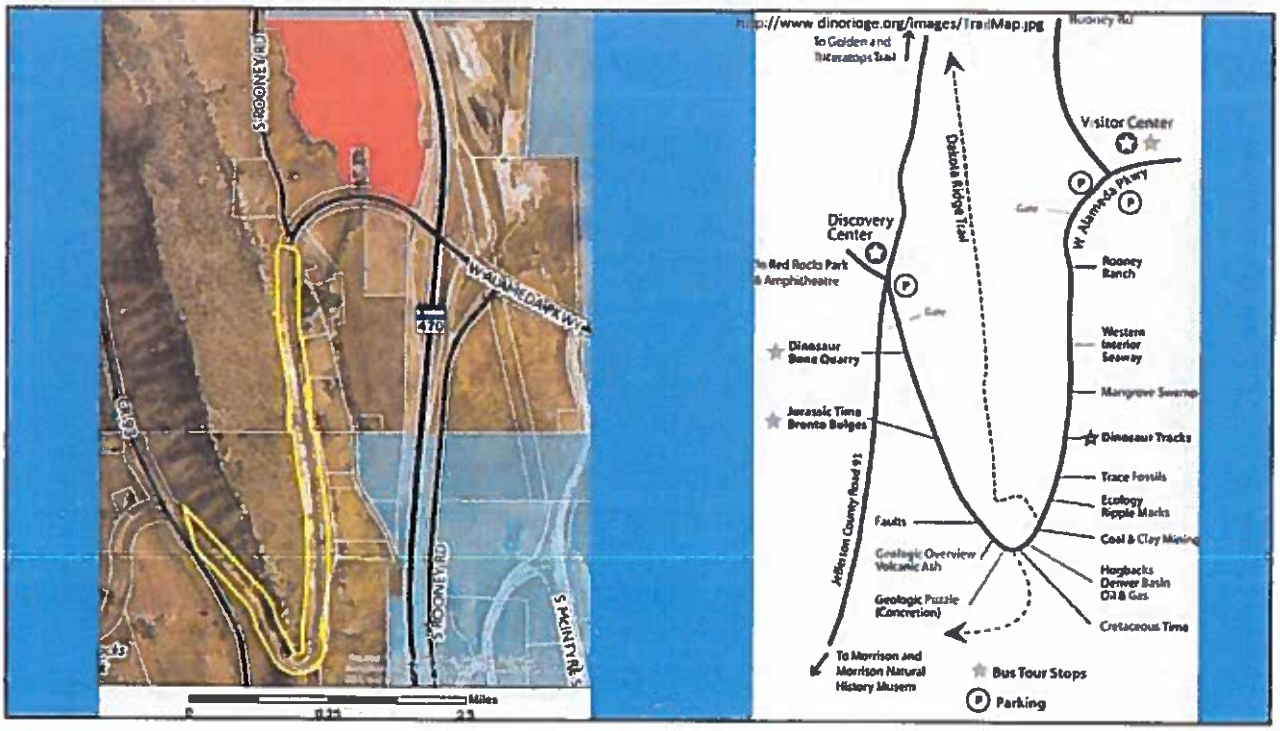
WILDLIFE AND NATURAL RESOURCES

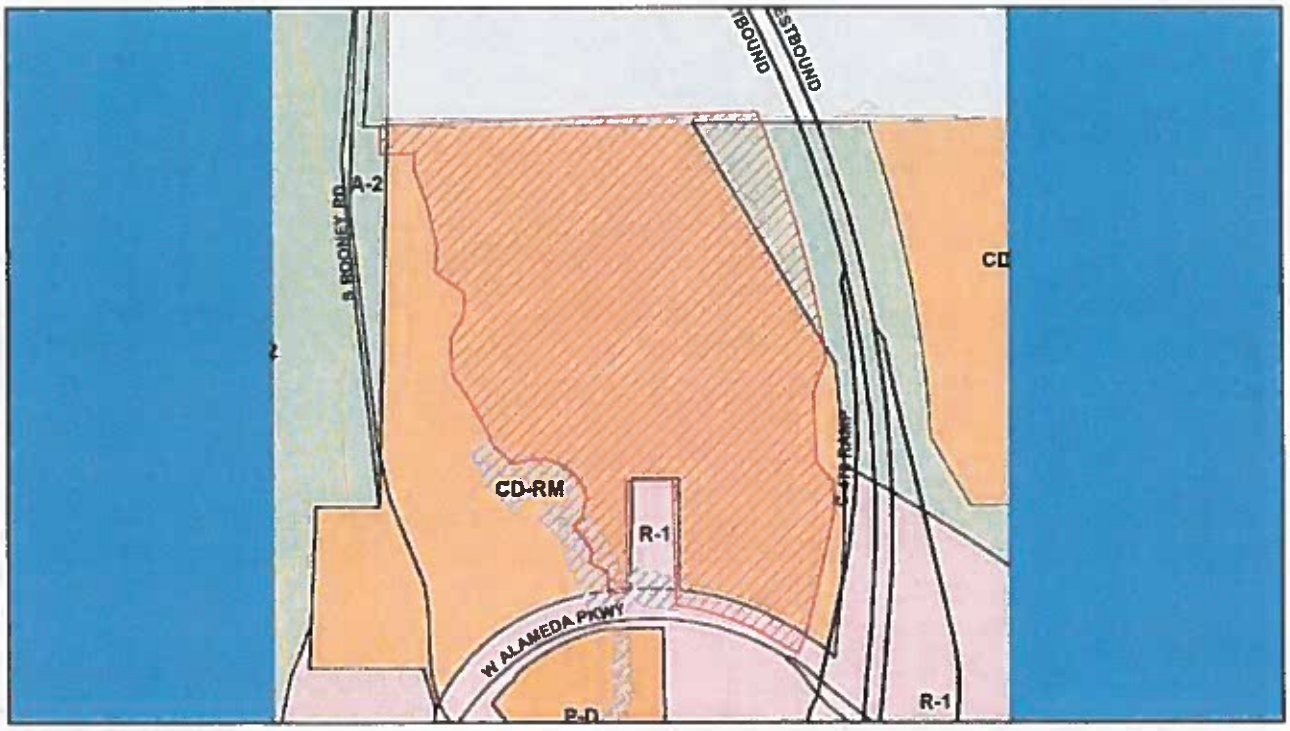
- Wildlife, vegetation, and landscaping report will be required at time of plat or SDP as required by LDR and ODP

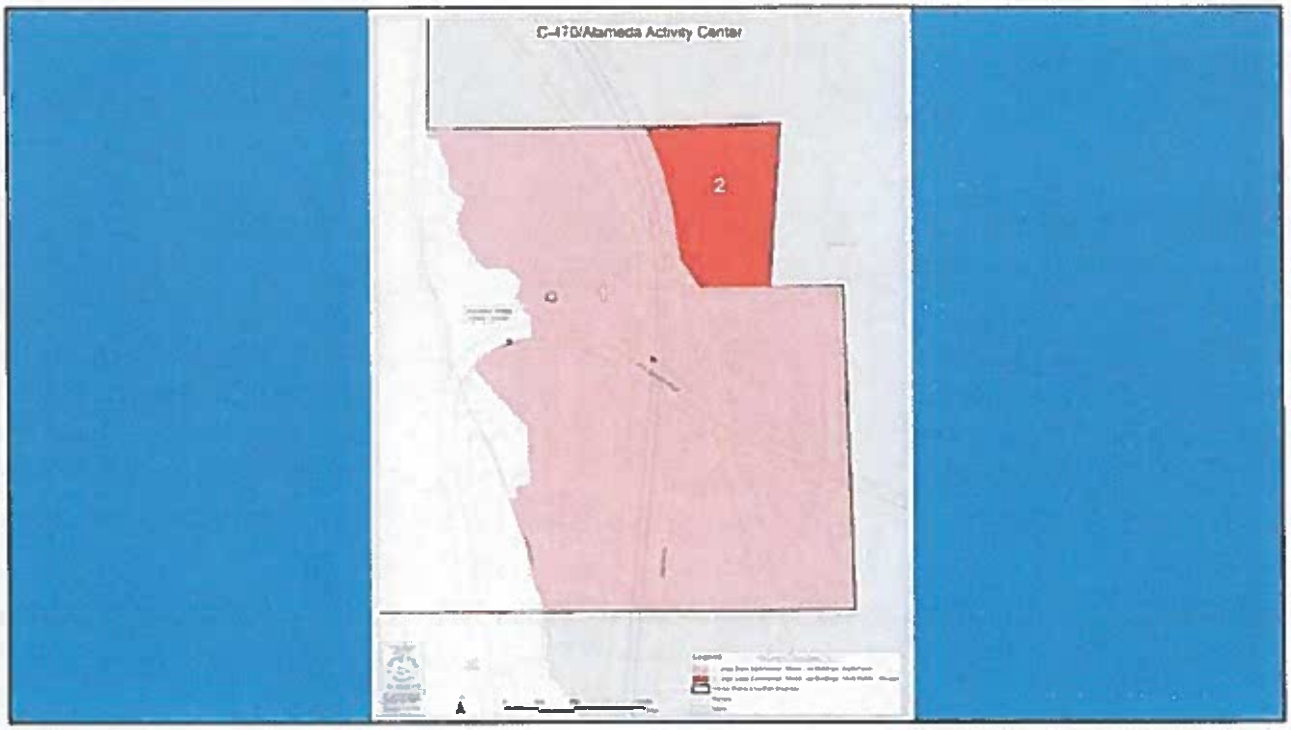
HISTORIC & CULTURAL RESOURCES

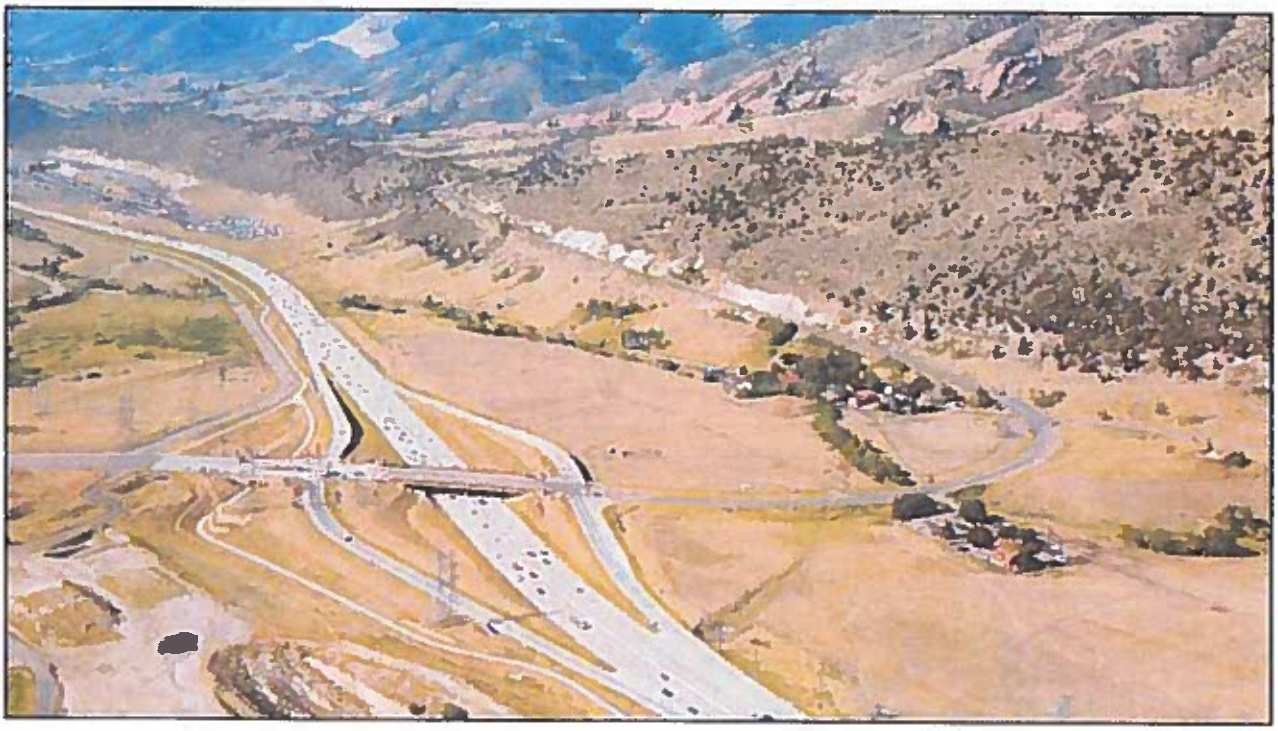
- An historical, archaeological, and paleontological report will be required at time of plat or SDP as required by the LDR and the ODP
- County reviewed rezoning application for nearby resources
- Discoveries of any archaeological and paleontological resources will be reported to appropriate governmental authorities as required by state and federal law

DINOSAUR RIDGE VISITOR CENTER
DISTANCE FROM DINOSAUR RIDGE VISITOR CENTER TO DINOSAUR TRACKS IS 3,300 FEET 6/10 MILE
Bandimere Speedway
Dinosaur Ridge Natural Exhibits
Rooney Rd
Natural Exhibits Gate
Rooney Family Residential Area
Rooney Rd
Alameda Pkwy
Dinosaur Ridge Visitor Center
Robinson Brick Co mine
470


S ROONEY RD
W ALAMEDA PKWY
470
S ROONEY RD
S McINTYRE ST
Miles
http://www.dinoridge.org/images/TrailMap.jpg
Rooney Rd
To Golden and Triceratops Trail
Visitor Center
Dakota Ridge Trail
W Alameda Pkwy
Discovery Center
Red Rocks Park & Amphitheatre
Rooney Ranch
Dinosaur Bone Quarry
Western Interior Seaway
Mangrove Swamp
Jurassic Time Brontо Bulges
Dinosaur Tracks
Trace Fossils
Ecology Ripple Marks
Faults
Coal & Clay Mining
Geologic Overview Volcanic Ash
Hogbacks Denver Basin Oil & Gas
Geologic Puzzle (Concretion)
Cretaceous Time
Jefferson County Road 93
To Morrison and Morrison Natural History Museum
Bus Tour Stops
Parking


TBOUND
ESTBOUND
A-2
S BOONE'S RD
CD
CD-RM
R-1
W ALAMEDA PKWY
P-D
R-1

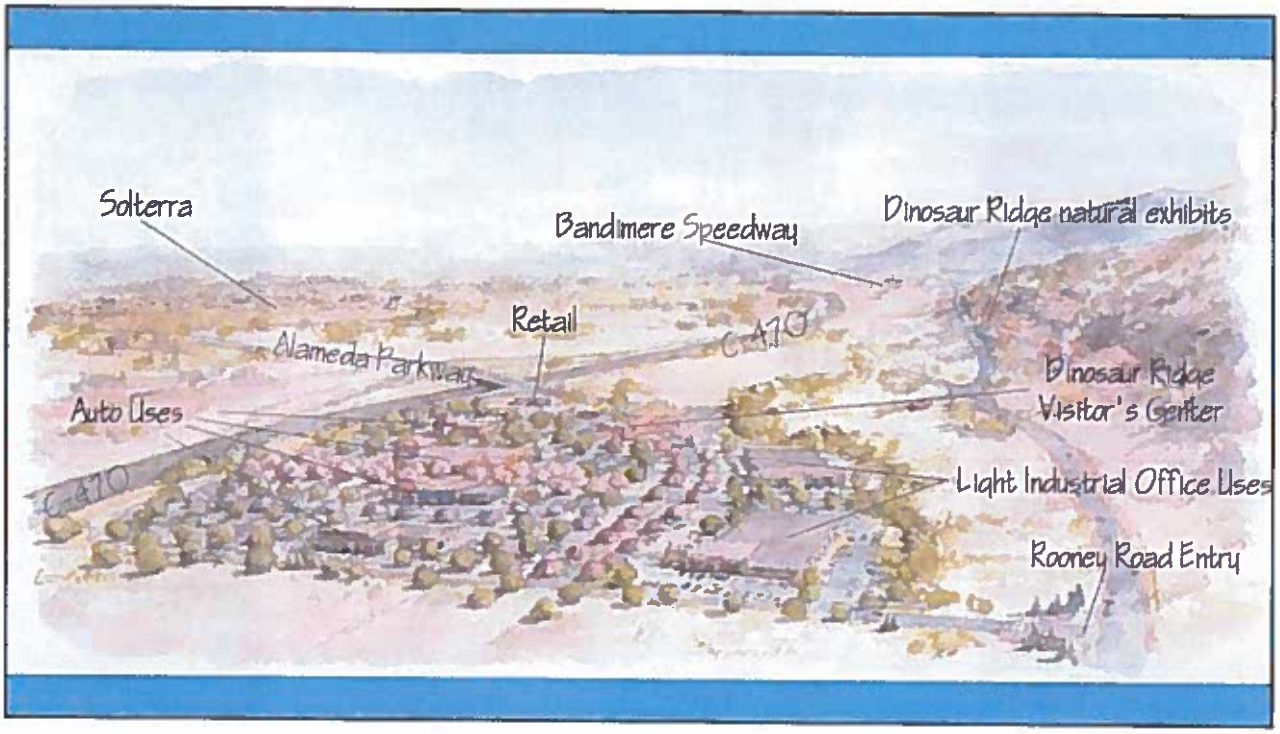

C-470/Alameda Activity Center
2



Thunder Valley
122 acres
Mining
CDN 1,630 Mixed Use
Solterra 1,400
Lightner 1,100
Bandimere 130 ac
Red Rocks Centre 1,400
40 ac

C-470

S Rooney Rd
W Alameda Pkwy
S Rooney Rd


Solterra
Bandimere Speedway
Dinosaur Ridge natural exhibits
Retail
C-470
Alameda Parkway
Dinosaur Ridge
Visitor's Center
Auto Uses
C-470
Light Industrial Office Uses
Rooney Road Entry

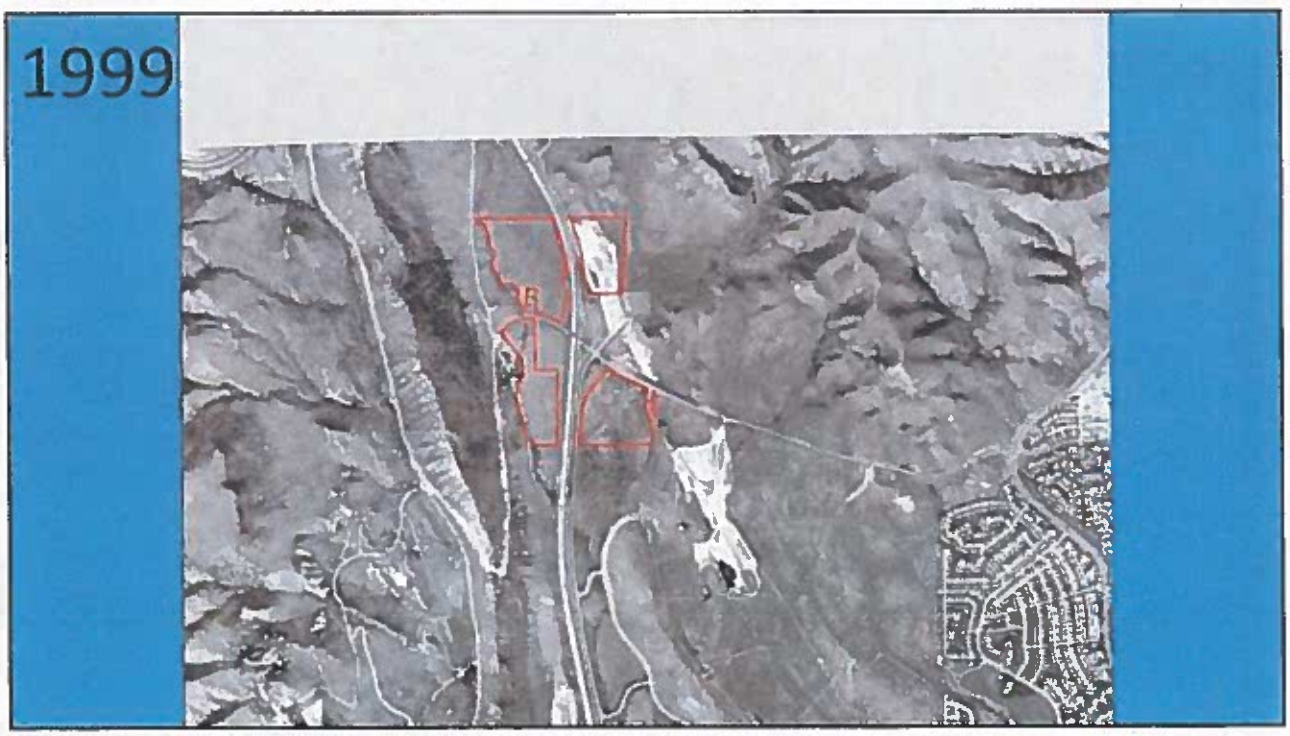
Rebuttal slides

- Traffic
- Econ/jobs
- Mitigation
- Visual Analysis

1965

1976

1985


1999

2008

2015

6A

Town of Morrison Planning Commission
Morrison Town Hall
110 Stone Street
Tuesday, October 11, 2016
7:00 P.M. – 9:00 P.M.

Appointment Chair/Co-Chair.

Shari Raymond made a motion to appoint Jamee Chambers as Chair of the Planning Commission Meeting. Matt Schweich seconded the motion. All present voted in favor of the motion.

Shari Raymond made a motion to appoint Matt Schweich as co-chair of the Planning Commission Meeting. Maja Stefansdottir seconded the motion. All present voted in favor of the motion.

Call To Order. Chairperson Jamee Chambers called the regular Planning Commission Meeting to order at 7:00 PM

Roll Call: Chairperson Jamee Chambers, Matt Schweich, Todd Mercord, Shari Raymond, and Maja Stefansdottir were present. Loren Oswalt and Paul Sutton were absent. A quorum was established.

Staff Present: Kara Zabilansky (Town Administrator), Charla Bryant (Town Clerk), and Carrie McCool (Town Planner).

Amendments to the Agenda. None.

Public to Address the Commission/Communications. None.

Public Hearing.

The Town Park Loop trail was discussed. The Mission is to connect all trails around Morrison. Grant funding will be looked into. The Town Park Loop Trail is between the Post Office and the Museum. It will be on the west side of the road and will have a curb. There will be a new crosswalk at Red Rocks Vista Drive. Surveys are due by October 17, 2016.

The trail from the Museum to Falcon is growing over and not being used. The Town needs to maintain the trail. Gregory Isaac, the Principal at Red Rocks Elementary, believes he could talk to the school parents and get community support. There could be donations, fund raising and parent volunteers.

Chambers asked about the status of the trial that goes along Mount Vernon. Zabilansky stated the current owners do not want to grant the easement. Sean Forey is still open to providing an easement.

Approval of Minutes. Schweich made a motion to approve the Minutes of the Meeting of March 8, 2016. Stefansdottir seconded the motion. All present voted in favor. Gretchen Roberts will need to sign the Minutes.

Staff Reports.

Town Administrator. Chambers, Schweich and John Price were appointed to the Rooney Valley Planning Commission. A notice as to the location and time will be sent out. Red Rocks Centre is waiting for a formal application. The Town Attorney is to draft a contract at the next meeting for trash service. Schweich thanks Zabilansky for handling the crosswalk issue. Changing the Home Rule Charter will streamline the posting requirement. Posting will be done at the Post Office and on the website.

The Rooney Valley Master Plan Update Memorandum was discussed by Carrie McCool, Town Planner.

Adjournment. Chairperson Gretchen Roberts adjourned at 8:05 P.M.

Town of Morrison

_____
Jamee Chambers, Chairperson

Attest:

_____
Charla Bryant, Town Clerk

TOWN OF MORRISON BOARD OF TRUSTEES
MORRISON TOWN HALL, 110 STONE STREET
REGULAR MEETING OF THE BOARD OF TRUSTEES
TUESDAY, NOVEMBER 1, 2016
6:00 P.M.

Call to Order. Mayor Sean Forey called the regular Town Board Meeting to order at 6:00 P.M.

Roll Call. Mayor Sean Forey, Trustees Brewster Caesar, Venessa Angell, Katie Gill, Debora Jerome, Allen Williams and Christopher Wolfe were present. A quorum was established.

Staff Present. Gerald Dahl (Town Attorney), Kara Zabilansky (Town Administrator) and Charla Bryant (Town Clerk).

Amendments to the Agenda. Remove 6c – Rooney Valley IGA Amendment and remove 7c – Streets, Grounds & Buildings Report. Add to General Business, Civic Use, Mt. Carbon Water Rights and Trash Update.

Public to Address the Board. None.

Presentations and Hearings. Dahl stated he would like a record made that Sean Forey is the property owner on agenda items 5a and 6a. Dahl said that Forey and Angell, as an immediate family member, would recuse themselves from these two portions of the meeting.

Brewster Caesar, Mayor Pro Tem, took over the meeting. Caesar opened the Public Hearing.

Subdivision Variance Request, Forey's Lo-Mo Estates Subdivision.

Stephanie Stevens, Town Planner, 4383 Tennyson Street, Denver CO 80212. Stevens reported the Applicants are Sean and Celeste Forey who have submitted a Subdivision Variance Request. The Applicants would like to be able to subdivide the property into 5 lots. The property is 1.03 acres and under the Town's zoning regulations would allow for 6 dwelling units. The property is located east of the 2nd Street and Spring Street intersection. There are no access issues. The property contains three residential structures and a garage structure. The flood plain, the typography, the gulch and the driveways make it difficult to meet certain standards. The Board of Adjustment approved the zoning variances for this property unanimously. The Town Board has the right to vary from the Subdivision Regulations set forth in the Subdivision Code if it creates an undue hardship on the property owner. Stevens said it would not adversely affect the public health and welfare. The variance shall not be granted or denied based on the financial status of the property owner. There is an unbuildable tract in the southeast corner of the property; this tract is included in the property. No public comment has been received. The staff recommends approval.

Jamee Chambers, Chambers Consulting, Inc., 805 Bear Creek Avenue, Morrison, CO. Chambers stated that property lots in Morrison are long and skinny. Morrison is a Town of tiny houses; some houses are only 550 square feet. The variance will preserve the small town

atmosphere. The next step will be to go through the Planning Commission regarding the subdivision process. The variance will meet the density requirement. Chambers stated there are three water taps and the vacant lot would have to buy water and sewer taps if developed.

There were no public comments.

Caesar closed the public hearing.

Wolfe made a motion to approve the variance request with no conditions. Williams seconded the motion. All present voted in favor of the motion.

General Business.

4th & Summer Engineering. Forey and Angell will remain recused from this portion of the meeting. Caesar stated the culvert is plugging up. Rhodig proposed a change in the road to go around the meter pit. This would create an island. Caesar said he would like to have an engineer look at it. An engineer discussed using a longer pipe to provide a better drainage from the pond. Williams said the pond is not the problem. The silt runs down 4th Street and plugs the drain. Williams said the meter pit can be cut down and lowered or the pit can be moved southeast, asphalt can be laid and then a larger pipe can be used. Williams does not feel the Town needs to hire an engineer. The bollards can be removed. Rhodig did not like the idea of lowering the meter pit because it is low now. If it dropped another two feet, it would be more likely to freeze. Caesar is not happy with Rhodig's proposal of leaving an island. Williams said the Board should ask Fouts and Torres what they think. Caesar said this would be used as access to future development in the Town. Dahl stated direction needs to be given from the Board to the Staff. Gill is okay with passing the problem off to an engineer, but is not comfortable with the price. Zabilansky stated she had received a previous quote about one year ago. The cost was about the same. Jerome does not see the hurry. Wolfe said he would keep 4th and Summer Street as it is, but have more asphalt placed; only one person currently uses it. Williams said streets always need to be shoveled and believes it could be fixed for about $3,000 without hiring an engineer, but he is okay with hiring an engineer if that is what the Board wants. Zabilansky stated she would like to talk to Fouts and Torres to get their opinion as to whether the Town can fix the problem. Zabilansky wants the bollards removed.

Forey and Angell joined the meeting. Mayor Forey took back over the meeting.

Red Rocks Ranch Development Submittal and Timeline. A timeline regarding Red Rocks Ranch Disconnection and Annexation was presented by Dahl. Dahl highlighted the notice and posting requirements. Meetings have been held with Lakewood and key dates for approval of the development have been established. The approval of the Rooney Valley Master Plan will be a key date for Morrison. The disconnection and annexation ordinances will be filed simultaneously. The developer will submit a disconnection request and when that is in, it will trigger the 30 day review with Jefferson County. The disconnection agreement will discuss the use of the property that is still in the Town. Zabilansky talked to Andy Trietley. Trietley is open to dedicating land for civic uses to the Town. Zabilansky told him a priority was to get the Town's sheds out of the floodway. Trietley is looking at the Town's wastewater treatment property as a location to locate

the sheds. Trietley thinks 5 acres is too large. Zabilansky stated the current Town offices could be remodeled and an elevator could be built at the Town Hall. The amount of acreage the Town wants in the disconnection agreement. Dahl stated direction will be needed for the civic uses. Wolfe said the maintenance buildings can go there, but he would like to keep the Town offices where they are. Gill and Jerome agreed with Wolfe. Caesar wants to keep future options open and would like to pursue the 5 acres. Land use decision and the public hearing will happen in March, 2017. Dahl said Plan Rooney Valley will be brought before the Board in two weeks. He Master Plan can still be discussed. The Red Rocks Ranch Zoning Application cannot be discussed since their application is filed and it is now quasi-judicial. Hearings will be in March, 2017. Dahl stated the Plan Rooney Valley document will be given to the Board November 15, 2016. Dahl said the Master Plan is legislative and can be discussed. Things involving the Red Rocks Zoning Application cannot be discussed. Hearing dates can be discussed. The value of disconnection can be discussed in general. Annexation and disconnection is legislative and can be discussed. Zoning cannot be talked about. Zabilansky and Dahl will send an email to the Board, the Planning Commission and general public regarding hearing dates and annexation and disconnection.

Mt. Carbon Water Rights. The new district is under contract to purchase Mr. Carbon's water rights. The Town's water attorney is gathering information. Forey said Cindy Covell can come back and talk to the Board. The Town has water rights for about 5,000 homes.

Trash Update. There was a meeting with Republic Services ('RS') today. RS was open to discussion regarding the contract. Dahl will revise the contract to include items discussed by the Board. Zabilansky will bring the contract back to the Board at the next meeting. The contract and ordinance will use the power the Town has in the statute to compel residents to use RS. The ordinance will say trash service cannot be compelled, but residents cannot use any other trash service. Angell believes the Town should pay for trash pickup for the residents. Williams thinks that is a wonderful idea. Dahl believes it would cost about $18,000 annually. Paying for trash service would only be for residential. Zabilansky said a budget would need to be created. Angell said this would be good to start the first of the year. Forey said this would be great for the residents. Wolfe likes the idea. Wolfe believes Petra Bute should be given recognition for coming up with the idea. Dahl stated this would only be for Town residents. It would be looked at as a subsidy. Zabilansky said the cost would be charged to the Streets and Grounds Department. Jerome would like to give something to the Town residents. Gill agrees with the Town paying for the first year and dependent on Town budget the decision would be reviewed from year to year. Williams agrees that if the residents get service for free, they will change providers. Caesar has no objection but will have to correct his last article in the Hogback. Forey said there will be no charge for 2017 and will be revisited for 2018. An ordinance can be written and it will take thirty days to take effect. January 1, 2017 is a good start date. Zabilansky will discuss this with RS. Residents can call RS for large pickups and the residents will be billed. Electronic pick up is once a year in a designated dumpster. Branches are okay if they are cut in 4' sections and bundled. RS is checking on a Wednesday pickup. Forey would like the Town to submit the bill with the utility bill. Dahl said it could be billed and reflected on the utility bill at a reduced cost or no cost. Dahl will revisit the contract. The contract will be brought back to the meeting in two weeks.

Departmental Reports.

Police Department. There were no questions or comments.

Utility. Caesar noted that the Bear Creek Watershed Association wants a viable option for sewer at C470 and Alameda which would be gravity fed. There were no further questions or comments.

Town Administrator. Zabilansky and both Carrie McCool and Stephanie Stevens went above and beyond with regard to the Rooney Valley Master Plan revisions to meet the deadline. Zabilansky stated the Board should thank the Planners. Zabilansky stated Burris and Leonard came in to sign without the covenant restriction on Wood Lane. Burris thought Exhibit A was incorrect and did not sign the Covenant Restriction. Dahl said there was a survey problem.

Attorney. There were no questions or comments.

Consent Agenda. Caesar made a motion to approve the Consent Agenda, after correction of the Minutes. Wolfe seconded the motion. All present voted in favor of the motion.

Board Comments. Jerome and Gill like the document "Plan Rooney Valley." Zabilansky said the Rooney Valley Commission hearing is Thursday night. Williams stated lowering water and sewer bill would be nice. It would be nice to pay for trash for the residents. Forey said Big Sky is not a dead issue. Zabilansky stated Trietley has a project on Turkey Creek Road of 50 acres. It will be 125 units. Andy Trietley would like water and sewer from the Town. Zabilansky referred to the South Area Plan and told Trietley that it was unlikely the Town would provide water and sewer to this property.

Adjournment. The Meeting was adjourned at 7:35 pm.

TOWN OF MORRISON

Sean Forey, Mayor

ATTEST:

Charla D. Bryant, Town Clerk

TOWN OF MORRISON SEAL COLORADO