

PLANNING COMMISSION MEETING

The meeting was called to order at 7:00 pm

ROLL CALL

Kate Christopher Ron Schuman Dan Schroder
Eric Mamula Jim Lamb Gretchen Dudney
Dave Pringle arrived at 7:06 pm
Wendy Wolfe, Town Council Liaison

APPROVAL OF MINUTES

With no changes, the November 3, 2015, Planning Commission Minutes were approved as presented.

APPROVAL OF AGENDA

With no changes, the November 17, 2015, Planning Commission Agenda was approved as presented.

WORKSESSIONS:

1) Planning Commission Field Trip Recap (JP)

Ms. Puester presented. The Planning Commission annual field trip to Boulder and Westminster was on October 22. Ms Puester presented a power point of photos from the visits to three parking structures (CU Folsom Field in Boulder, 14th & Canyon (transit center) in Boulder, and 15th & Pearl in Boulder) and two lifestyle centers (The Shops at Walnut Creek in Westminster and Bradburn Village in Westminster). The focus of the trip was design oriented. We have a field trip every year and each year we tend to pick a different topic.

Commissioner Questions / Comments:

CU Parking Structure:

Mr. Schroder: This is far and beyond what Breckenridge would have, but they maintained a consistent look and feel that ran through campus. If we end up doing something here, let's identify what the thematic look and feel is of Town so that the parking structure looks like it is an extension of town.

Ms. Christopher: My take away is: hide as much underground.

Mr. Lamb: It needs to fit our character and the more underground the better. (Ms. Puester: Note that nothing is before the Town or Commission as far as a parking structure proposal.)

Ms. Wolfe: How much was underground?

Mr. Mamula: It is a practice facility on top with 2-3 levels below that daylight on one end.

1500 Pearl Street Parking Structure:

Mr. Mamula: The wrap idea is something that came up during the Gondola master plan years ago; this was a great example of retail wrap working well.

Ms. Dudney: Yes, but on a pedestrian street with lots of traffic, I'm worried this won't work everywhere, location specific.

Mr. Pringle: There are good aesthetics with a wrap but also lends a lot of activity with a parking structure and the police station could lend an air of security.

Ms. Wolfe: There is a parking structure on Spruce Street in Boulder that has a wrap and the City of Boulder uses the space that has a 25' deep city office spaces. This structure is only wrapped on two sides.

Ms. Christopher: I liked the woven open wire grid style for the whole windows that has the appearance of the window like we tend to see on decks in town.

Ms. Dudney: I like that too but it is very expensive.

14th & Canyon and Transit Center:

Mr. Lamb: There were trees in there and bike storage that I liked. Is this the one with the vending machine with bike parts? That was cool. (Mr. Kulick: They did a good job of masking how

Mr. Schroder: big the garage was by burying it. They had a coffee shop and an indoor bike storage system.) Most people's bikes are pretty expensive here and I wouldn't want to leave mine. Also, I don't think that the long winter would work with using this space. But we could use the parking spaces in the winter. (Mr. Truckey: A few parking spaces could be used for bike storage in the summer and then converted back to parking spaces in the busier winter months.)

Ms. Wolfe: I do see a lot of bikes coming in on people's cars in the summer; we need to be conscious of this for height.

Mr. Mamula: How could we capture the ski crowd to walk, lock and go downtown if this were in town?

Ms. Christopher: At the welcome center, we get several comments as to why we don't have lockers in town for ski storage, to just drop off their skis and boots downtown, without going to the satellite lot.

Ms. Dudney: I think the comment about obscuring the height should be noted.

Mr. Pringle: Maybe we need to think about ski valet / ski locker; that could be part of the wrap.

The Shops at Walnut Creek:

Ms. Christopher: We liked the covered walkways.

Mr. Schuman: There were a lot of vacancies that made me feel that there wasn't any activity or vibrancy at all.

Bradburn Village:

Mr. Grosshuesch: I think this would have looked a lot better if the buildings would have been 2 stories.

Mr. Mamula: It was super contrived. (Mr. Mosher: The angled parking separates the street, versus parallel parking. You lose some intimacy with diagonal parking because the streets are so big.)

Ms. Dudney: That's true if you are looking at it from a design point of view, but it isn't practical if your tenants need more parking. I think the two-story massing is critical to give life to the center, even a 3rd story if it is set back far enough. (Mr. Grosshuesch: The Walnut Creek had a mix of shops; they intensively landscaped this area and put in higher end street furniture, lamps, but as you go further back into the center it was the standard suburban strip mall. You can create the storefront on both sides with vitality that has a completely different feel.)

Mr. Mamula: My question is why? We have a historic downtown for people to go and get that village feel which is authentic.

Mr. Pringle: This is really for communities that don't have our Main Street.

Ms. Dudney: I don't know why you don't have every shopping area look good no matter what.

Mr. Mamula: I think that this looks worse than what we currently have.

Ms. Dudney: I disagree with you and I also think there are safety issues with how some places are in town now.

TOWN COUNCIL REPORT:

Ms. Wolfe:

- Thanks for putting time into this field trip. Note that we have passed 2A; now the hard work begins. I don't think that there are any preconceived ideas as to what we do. We have the funding to get to the right solutions and will start looking into the big picture of parking and transit.
- We worked on new panhandling ordinance revision which was interesting. The previous ordinance is stripped out due to the Supreme Court Reed v. Gilbert that has been extended in a lot of municipalities for anything we do against free speech. We had to strike anything that had to do with content. You are allowed to ask people for money. The complaints of people in Blue River plaza and playing music for money, you can do that. We still have a harassment ordinance if someone follows you and taps you on the shoulder then something can be done. It's a lot shorter ordinance than it has been but if you feel that someone is harassing you, call the police and they can deal with that. We still have 7 or 8 hearty souls who panhandle in the winter. We will add a uniformed walking police officer to Town. I think this will be a resource and make the people walking around feel more comfortable.
- Sign Code will soon be up for the same revision because of content.

- Water rates ordinance will have a 5% increase as was planned last year. This will mean \$34.45 residential cost up from \$32 which will take place in January. Breckenridge will go to the top in fees when bundled with parking, sewer and tap as most expensive. We are in the middle of the pack with water rates.
- Mill Levy estimated at 5.07 mils; no change from 2015.
- Huron Landing annexation is moving along.
- Second reading on 2016 budget next Council meeting, with the most notable change being allocating another \$1 million to affordable housing. Making this a big priority. We just got another letter from a business in town today showing how difficult it is to maintain employees with no housing. Short term rentals and Air BNB are chewing it up.
- Airport Road lighting issues in light of pedestrian fatality. Town is studying root cause; we have some incidents of speeding but lighting is the prevailing issue. They looked at taking Breckenridge lamps and putting higher powered lamps but they don't throw any more light. Only raising the pole would throw more light. So the right answer is a pedestrian activated directional flashing light system. Most pedestrians are wearing dark hoodies these days and you can't see them. We also know that there are similar issues on Main Street and over by the Village. There won't be a one size fits all solution here. There is a flag system that are reflective that the pedestrian carries across. There is competing light and dark backgrounds, a lot of ambient light and the street lighting doesn't cast a lot. (Mr. Mamula: Boulder has a good button with flashing light system that really gets your attention.) (Mr. Pringle: You have to train people to cross in the right spots.) The communities that have these flag systems have gotten the pedestrians to see that it is good to use flags and will walk to the flag stations. The pedestrians here are recognizing that the cars don't see them. (Mr. Pringle: A few years ago, we eliminated street lights in homage to dark skies/budget.) I don't think the Council is averse to looking at an array of solutions. What works on Airport Road won't work necessarily at the Village. Clothing does ebb and flow; we're in a time that everyone is wearing dark clothing.

PRELIMINARY HEARINGS:

1) Marvel House Restoration, Addition and Landmarking (MM) PL-2015-0328, 318 North Main Street
Mr. Mosher presented a proposal to restore portions of the historic Marvel House (remove some non-compliant additions and restore the remaining portions), add a full basement with a separate living unit, connect a new residence to the back of the historic house and build a new separate garage (with an accessory apartment above) along the alley and to seek local landmark designation from the Town Council. The property will be re-subdivided under a separate application.

Changes since the October 6, 2015 Planning Commission Meeting

1. The relocated Marvel house is proposed to meet Relative Setback requirements.
2. The setback off of the alley for the new development has been increased from 5-feet to 15-feet.
3. The overall density and mass of the proposed additions has been reduced.
4. The connector has been reduced in length.
 - a. Access to the commercial building is on one half of the connector and a storage closet for the residential is located on the other half.
5. The Connector between the New House and the Barn has been eliminated.
6. There are four parking spaces provided off the alley and two parking spaces off of Main Street.
7. The massing of the New House has been modified.
8. All specimen trees are to be preserved.
9. The Employee Housing unit has been eliminated and is now an apartment.
10. A landscaping plan was provided.

Since the last review, the applicant and agent have responded well to concerns expressed by the Commission with a comprehensively revised set of drawings. The density and massing has been reduced to allow the

proposal to achieve a preliminary passing Point Analysis. Staff welcomed any Commissioner comments and had the following questions for the Commission:

1. Did the Commission support the length and design of the revised connector?
2. With the density and mass reduction and the stepped roof form off the alley, did the Commission believe the height of the New House meets the intent of Priority Policy 81 (Build to heights that are similar to those found historically) and Policy 82 (The back side of the building may be taller than the established norm if the change in scale will not be perceived from major public view points)?
3. Did the Commission believe the additions are similar in mass with the historic character area context?
4. Did the Commission support the proposed architecture?
5. Did the Commission support the landscaping plan as presented for positive two (+2) points?
6. Did the Commission support locally landmarking the historic Marvel House?
7. Did the Commission support the proposed point analysis?

Staff recommended this application return for a final review.

Commissioner Questions / Comments:

Mr. Schroder: Somewhere in the report you said there might be a subdivision? (Mr. Mosher: This will be a separate application where they propose the properties be condos and the area around the buildings be common area.)

Applicant Presentation: Ms. Janet Sutterley, Architect for the Applicant:

Thank you for the concise and organized staff report. I did want to go over the intention of the condo platting. The connector is split in half; a portion goes to commercial and the other is a storage area. It will be just two units in the next application. I also wanted to add that we worked really hard with staff to get this right. We stepped the north and east ends that you can see on elevations. The materials will be the front building will be the historic materials and details. The barn will look like an outbuilding. The Dodge/Buhl, on Harris St., house picture depicts what we are going for; a vertical smooth siding with a little more contemporary look. The landscape plans; I would like the Commissioners comments. I think we are maxed out and adding more trees won't really help.

Commissioner Questions / Comments:

Mr. Pringle: Could we take the existing trees and memorialize them for landscaping? (Mr. Mosher: Yes, this will be done. If the trees are lost then you replace them in kind matching the size incrementally.) So they are part of the landscaping plan? (Mr. Mosher: Yes.)

Mr. Mamula opened the hearing to Public Comment. There was no Public Comment and the hearing was closed.

Commissioner Questions / Comments:

Ms. Dudney:

1. Yes
2. Yes
3. Yes
4. I support the proposed architecture
5. I support the positive two (+2) points
6. I support the local landmarking
7. I support the point analysis

Mr. Pringle: I am in favor of all the questions 1-7.

Mr. Lamb: I think this a big improvement and much better plan.

1. Yes
2. Yes

3. Yes
4. Yes
5. I would give positive two (+2) points for landscaping because the architecture moved around for saving the trees.
6. Landmark yes
7. Yes to point analysis

Ms. Christopher: I support all the points 1 -7.

Mr. Schroder: I support all the points 1-7.

Mr. Schuman: I do too; I support all the points 1-7 and this is a much better plan.

Mr. Mamula: I agree; fully support all the questions and point analysis.

COMBINED HEARINGS:

1) 6th Amendment of the Amended Peak 7 & 8 Master Plan (MM) PL-2015-0444, 1595 Ski Hill Road

Mr. Mosher presented. Pursuant to the terms of the approved Development Agreement (Rec. #1095228) between the Town of Breckenridge, Vail Summit Resorts, Inc. and Peak 8 Properties, LLC ("Properties") VSRI proposes to modify the Amended Peak 7 & 8 Master Plan with the following:

1. Residential density at Peak 8 is to be increased by 18.0 SFEs
2. Commercial density at Peak 8 is to be increased by 1.3 SFEs
3. The definition of Guest Services Facilities is to be amended (delete "patrol and first aid facilities" from the definition of Guest Services Facilities and add "patrol and first aid facilities" to the definition of space that is not included as Guest Services Facilities).
4. Expanding the use of authentic stone foundations to include chimneys and other accent elements.

Mr. Mosher noted that the table shown in the packet was not accurate as it relates only to the Development at Peak 8 and that it will be struck. The attached red-line provided by the applicant is accurate for the entire master Plan

This master plan amendment is essentially a housekeeping matter to reflect the allowances of the provided by the recent Development Agreement between the Town, VSRI, and Peak 8 Properties, LLC for the Grand Colorado at Peak 8 East Building. There are no substantive changes to the master site plan, architectural character or circulation. This amendment will simply clarify the density transfers and the definition of Guest Services Facilities per the Development Agreement and the use of authentic stone foundations, chimneys and other accent elements.

The proposed amendment of the Master Plan has no impact on the previous point analysis as this proposal abides with the Development Agreement and the current Development Code. This proposal shows a recommended passing score of positive two (+2) points for the original 2006 (attached) Point Analysis.

Staff is recommending an additional Condition of Approval regarding the 200 parking spaces at the Peak 7 & 8 Area:

Add new Development Permit Condition 10 to the Findings and Conditions for the Sixth Amendment to the Amended Peak 7 & 8 Master Plan (PL-2-15-0444):

10. Within one (1) year from the date of this development permit, the Permittee (Vail Summit Resorts, Inc.) shall submit to the Town a written plan demonstrating that there are at least 200 parking spaces for winter recreational visitors (public spaces) at the base of its Peak 8 winter recreational area as required by the Peak 7 and 8 Master Plan (as amended), and the contractual agreements between the Town and the Permittee. Nothing in this Development Permit is an acknowledgment or agreement by the Town that the parking for the new development by Peak 8 Properties, LLC as contemplated by the Application counts toward the Permittee's parking requirement under the Peak 7 and 8 Master Plan (as amended), and the contractual

agreements between the Town and the Permittee, and nothing in this Development Permit is a waiver of the Town's rights with respect to such parking requirement set forth in the Peak 7 and 8 Master Plan (as amended), and the contractual agreements between the Town and the Permittee.

Staff notes that with regard to the 200 parking spaces to be located at the base of Peak 8, there are discrepancies between the approved Parking Agreement, the current Master Plan for the Peak 7 & 8 Master Plan and the proposed modification to the master plan presented this evening. Any modification to the Parking Agreement must be reviewed and approved by the Town Council.

Applicant Presentation: Mr. Stephen C. West, Attorney for the Applicants *and* Mr. Graham Frank, Vail Resorts: Our concern is the new 804 building and we are asking for approval of the Master Plan changes related to it and not blending the two issues with the parking issue. We want to stick with that master plan and what we want to do with the 804 building. I would like the Commission to consider this under the master plan only and not consider additional conditions.

Commissioner Questions / Comments:

Mr. Pringle: I don't understand a thing about this.

Mr. Mamula: Mr. Berry, could you give a stripped down synopsis?

Mr. Tim Berry, Town Attorney for the Town of Breckenridge: There are several different documents in play. One is the Master Plan. The issue of the 200 parking spaces was raised with the applicant as to where and which spaces were designated as the "winter recreational visitors" as required by the current Master Plan and the Parking Agreement. The background is in 2002 preliminary Parking Agreement between the Town and Ski Area when they entered into the preliminary agreement that included a provision for parking for Vail properties. This provision said that VRSI would provide not less than 2,500 skier parking spaces a total of not less than 200 spaces would be provided at the base of Peak 7 & 8. The Parking Agreement in 2003 was a follow up to one part of the preliminary agreement. We wanted to take the 2,500 parking space agreement and make it parking agreement. It provides that VRSI will provide 200 spaces at the base of Peak 8 (not Peak 7). This agreement says that the spaces are used by "winter recreational visitors". Staff is concerned about where the 200 parking spaces are and that is where we are with this condition this evening. We are not trying to delay the 804 project. We want the ski area to tell us within a year where the required 200 spots are. We are going to set up a meeting in January to discuss these issues between Council and VRSI. Their application is to amend the Master Plan not the Parking Agreement. But it is my view that the master plan currently speaks to 200 parking spaces in the Parking Agreement located in "planning areas A and B" and so with the amendment this is the time to discuss this topic. Turn to page 43 in your packet; on the proposed changes to the Master Plan, provided by the applicant, the proposed amendment in the middle of the page deals with parking and traffic requirements. It describes the 200 spaces and then it goes on to define who is allowed to use those 200 spaces. It speaks to another series of folks; the original defines only the "winter recreational visitors" and I'm concerned that the new language here talks about other people using the spaces. I would like that language taken out this evening for review later with Town Council. The current master plan language is:

"Common Parking: 200 or more spaces within Planning Areas A & B."

The applicant's revision, which we suggest be removed, is:

"Common Parking: 200 or more spaces within Planning Areas A & B to be used in connection with Commercial, Guest Services and Peak 8 Ski Terrain by employees, visitors, guests, and invitees subject to such restrictions as may apply from time to time, with the goal

being to limit vehicular trips on Ski Hill Road at peak travel times around the beginning and end of the operation of the Peak 8 Ski Terrain for winter and summer recreational activities each day.”

It is important to note that this condition was written to allow for the Building 804 development application to move forward and this get worked out between the Town and BSR in the next year.

Mr. Schuman: The Parking Agreement only talks about Peak 8? (Mr. Mosher: Yes.) So, what do planning areas A & B mean? (Mr. Mosher: (Showing Master Plan map.) This is where our language is confusing.)

Mr. Mamula: What are our options? (Mr. Mosher: There are two options. One is to do what the applicant is asking to approve the amendment and not include the added condition. Two is to amend the findings and conditions adding the proposed condition. The applicant can also request a call-up from the Town Council for a de novo hearing too.)

Ms. Dudney: I still don't understand the why. Why does Staff want it and applicant doesn't want it? (Mr. Mosher: There is a disconnect as to where these spaces are happening between all the loose pieces being developed at the base areas. The Master Plan agreement doesn't match all the other pieces.) (Mr. Berry: The Commission should be comfortable with the condition; if it doesn't understand it then they can either approve the application as is or have the Council discuss it, maybe de novo call up.) (Mr. West: I don't disagree with anything that Mr. Berry said. There are Findings and Conditions but the item Mr. Berry read in the agreement is not a Finding or Condition; we added the language here. The 200 spaces which is a minimum requirement the Master Plan said that the commercial *and* residential spaces would use the 200 spaces. Mr. Mosher asked us to clarify and we all are trying to minimize the traffic on Ski Hill Road. We are with striking the added parking language and put the previous language in. We don't like the Condition because we don't know what it means. It was presented to us late in the review process and we don't know who will determine its outcome. We would like to vet the condition a little further. We understand that if you don't include it then, we know we will go to Council anyway as a call-up.) (Mr. Grosshuesch: Point of clarification: We take the view that the 200 parking spaces should be open to the public with no restrictions or conditions and that is not what we are getting here.) (Mr. West: We understand this is the staff's point, but we think this relates to the Parking Agreement not the Master Plan. The Master Plan is a planning document. We can work this out. We understand that this issue can come up at any time and could come up under the parking agreement.)

Mr. Pringle: The Town wants the 200 spaces for public, but if I recall the past discussions that the Dew Tour or other event vehicles might also use it. (Mr. West: Your memory is too good, that is a special event, different. As Mr. Berry is pointing out, the issue is that how things are defined is becoming the issue and doesn't match in the Parking Agreement and Master Plan. Nothing VRDC owns is truly public, we are a private company, we sell passes. We obviously need to bring up the Parking Agreement.) I agree with you, Mr. West. (Mr. Frank: From VRSI we need to vet it under the Parking Agreement, because we are not willing to take on a new definition and if this continues to be a problem we may need to pull the 804 building from any further review.)

Mr. Schroder: Could we look for a continuance?

Mr. Mamula: I think it is best to make a decision and kick it up to the Council to expedite this complex issue. (Mr. Graham: I would ask as the applicant to make that decision on the Master Plan amendment without the Condition.) Does anyone have any issue?

Mr. Pringle: What does the language issue with removal of guest services “patrol”? (Mr. Mosher: Guest services should not include the required services like Ski Patrol and First Aid.) (Mr. West:

That definition of exempt space was done in 2013 and we should have put it under the exempt category. This isn't an old thing, it is just clarifying what we did in 2013.)

Mr. Mamula: Is everyone ok with the master plan notes of striking the common parking on page 43?
Commissioners: Yes.

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

Commissioner Questions / Comments:

Ms. Dudney: I think that this needs to be kicked up to the Council. The additional condition #10 raises additional questions that shouldn't be answered here. I think this should be left up to the Council.

Mr. Pringle: I agree.

Mr. Lamb: I remember the 200 spaces standing out as for day skiers when we discussed this years ago. I agree that we need to kick this up. I think we should add condition # 10.

Mr. Christopher: I agree with the Master Plan as presented without #10.

Mr. Schroder: I agree with the Master Plan amendment as presented without #10.

Mr. Schuman: I don't support the #10 provision and I agree with striking the parking language.

Mr. Mamula: I understand what the staff wants, but I don't think we can decide this without all the adequate information so I approve the Master Plan without #10.

Mr. Pringle made a motion to approve the point analysis for the 6th Amendment of the Amended Peak 7 & 8 Master Plan, PL-2015-0444, 1595 Ski Hill Road, showing a passing point analysis of positive two (+2) points. Mr. Schuman seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the 6th Amendment of the Amended Peak 7 & 8 Master Plan, PL-2015-0444, 1595 Ski Hill Road with a note that on page 43 of our packet that speaks to Common Parking be the guiding language and delete the parking language. Ms. Christopher seconded, and the motion carried unanimously (7-0).

OTHER MATTERS:

1) Chair and Vice Chair Election for 2015-2016.

Ms. Puester stated that it was time to elect a Chair and Vice Chair for the Commission to serve from now until October 31, 2016.

Mr. Lamb made a motion to elect Ms. Christopher as Chair of the Planning Commission through October 31, 2016. Mr. Pringle seconded, and the motion was carried unanimously (7-0).

Ms. Dudney made a motion to elect Mr. Schuman as Vice Chair of the Planning Commission through October 31, 2016. Mr. Lamb seconded, and the motion was carried unanimously (7-0).

ADJOURNMENT:

The meeting was adjourned at 8:55pm.

Eric Mamula, Chair