

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 pm by Chair Mathews-Leidal.

ROLL CALL

Christie Mathews-Leidal	Jim Lamb	Ron Schuman
Mike Giller	Steve Gerard	
Dan Schroder	Gretchen Dudney	

APPROVAL OF MINUTES

With the change below, the January 30, 2018 Planning Commission Minutes were approved.

Mr. Giller: On page 2 Include “No other feasible alternative location is available” to the conversation about 4 criteria.

APPROVAL OF AGENDA

With no changes, the February 20, 2018 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Comments.

WORK SESSIONS:

1. Lot 45 Highlands Filing 2 Building Envelope Modification (CK), PL-2018-0015, 165 Dyer Tr.

A work session to get the Planning Commission’s input to determine if they are comfortable with increasing the size of the building envelope per the applicant’s request. The request stems from a recently revised wetland delineation that shows a decreased amount of wetlands on the property.

Commissioner Questions / Comments:

- Ms. Dudney: Was this posted on site prior to this meeting? (Mr. Kulick: Yes on the website, but no individual notice was given or posted on the property.)
- Mr. Lamb: Why are we increasing it instead of moving it. (Mr. Kulick: Because of the odd shape and small size compared to other envelopes in the subdivision filing.)
- Ms. Dudney: Did the applicant agree to a 25 foot setback. (Mr. Kulick: Not yet, because this is a work session. This line is not increasing to the north and there is still a significant amount of space to the south property line.)
- Ms. Puester: To clarify your question Gretchen, there was not individual notice because it is a work session. If the Commission supports the proposal and the applicant applies for a Class C subdivision, we will send out public notice per the code, which will notify adjacent property owners.
- Mr. Gerard: Has the HOA or their design review board been notified. (Mark Hogan, agent for applicant: We appreciate the opportunity to be here. This is a special circumstance because it goes back to the original plat. Our next step is a formal submittal to the HOA. Then we will notify adjacent owners individually in writing. If approved by the HOA we would file for a Class C subdivision. We hired a consultant about the wetlands and it was surveyed. The survey was approved by the Army Corps of Engineers.)
- Ms. Leidal: Is the building 25 feet from the set back? (Mr. Hogan: Yes.)
- Mr. Gerard: How many homes adjoining the parcel have been constructed? (Mr. Hogan: I don’t know that off hand. Since this is an early filing most of the lots have been built upon.)
- Mr. Schroder: If wetlands are drained are we setting precedence or will there be items traded off? (Mr. Truckey: The Core of Engineers is the ultimate authority for wetlands boundaries and they have rules about draining or altering wetlands that have to be complied with. This provides a

remedy if someone tries to disturb wetlands. We won't be setting precedence because of the unique circumstances associated with this proposal. I suggest adding a finding at the time of subdivision regarding the unique circumstances on this parcel.)

Mr. Gerard: I understand the uniqueness of this lot. The owner has an odd shaped envelope dictated by the wet lands. I think the HOA must weigh in on this. The envelope has a purpose. It is avoiding wetlands but also view corridors and height. I don't oppose the idea of the proposal but they have to meet their setbacks.

Mr. Schroder: They bought the property knowing the envelope. I would be in favor of supporting.

Mr. Giller: I would support due to the unique characteristics.

Mr. Shuman: There is something that doesn't seem appropriate about this process but the Corps of Engineers is the authority and I accept their judgement is good. I would approve.

Mr. Lamb: I support. It is still the smallest envelope out there. I reluctantly support.

Ms. Dudney: I would support as long as the setbacks are complied with and the adjacent neighbors approve.

Ms. Leidal: I support the application but I do not want to set precedence with this decision. We need a special Finding on the approval.

2. Ten Mile Room (JL), PL-2018-0023, 505 S. Park Ave.

A work session to get the Planning Commission's input on the general direction of the project and determine if they are comfortable with the staff's initial interpretation of policies.

Staff would like Planning Commission input on the specific policy questions and would also look for any additional code related comments or concerns before this project moves forward.

1. Does the Commission agree with staff's interpretation of the amount of density?
2. Does the Commission agree that the proposed building height meets the intention of the Land Use Guidelines?
3. Does the Commission believe that the project qualifies for positive three (+3) points under Policy 16 by providing an access easement and sidewalk for pedestrians?
4. Does the Commission have any additional comments on the proposed project design?

Commissioner Questions / Comments:

Ms. Dudney: What was the height of the previous building that fell? (Mr. Lott: Either 20 feet or 25 feet. It was listed differently on two previous applications.) So why would you not give negative points? Will it be half a story over the allowable height? (Ms. Puester: If it is over the recommended 2 stories, we would recommend negative points.) Where is the heated sidewalk? (Mr. Lott showed where the sidewalk is on the map.) (Ms. Puester: Many people use that sidewalk as a cut through to the ski area and it would be beneficial to get an easement there. Also, a question to the Commission, if it becomes a dedicated easement, would the Commission support waiving the negative points for heated area as for being a major public thoroughfare which is an allowance in the code?)

(Mr. Griffith, Senior Development for Vail Resorts: The Chateau and the Liftside Condo shade the road that already has some pedestrian traffic now. We propose a separate walkway to make it safer for pedestrians and cars.)

Mr. Schuman: Are you encouraging pedestrian traffic to use the walkway? (Mr. Griffith: We can't prevent people from going there but no, we are not encouraging it.) Isn't there a hot tub and pool near the walkway? (Mr. Griffith: Yes.)

Tim Losa, Architect, Presented:

Mr. Losa explained the layout surrounding the new structure. We are proposing a new heated walkway.

Many people already use this walkway even though it is a road. We propose another outdoor space and another additional access point that will connect the kitchen to the back of house. We don't know if the entire area will be heated as we are still evaluating all the details. Property line already exists and we don't have a direct connection. We plan to connect into a pre-meeting space from the main space. On the lower level we propose sharing a trash room. The lower level will be used as storage which didn't exist before. We did focused on the land use guidelines when considering the architecture treatments. Mr. Losa read the guidelines. We looked at the surrounding building and found a big mix of designs. We tried to provide a heavily glazed area on the sunny side of the building and windows for daylight. The wood timber elements and coloring reflecting that of the lift view and Park Avenue Lofts view. We tried to match grade and height on the side facing the F-Lot. We also wanted to break up massing from the roadway to the ballroom space. We really need a 15 foot clearance height inside for a conference space like this to function well. (Ms. Dudney: Where does the 15 feet start on the elevation?) It starts at the street level. (Ms. Dudney: Do you really need 32 feet height to get to 15 feet clear inside?) Mr. Losa explained the height need. We have a heavier pattern and coloring that we are trying to match and trying to blend the existing building forms and shapes. We studied massing in three dimensions. We wanted to match the height at Park Avenue Lofts and the step up at the Chateau building. This should give you a general explanation of what we are looking at. Section 9 of the code allows you to rebuild a burned structure and we are trying to rebuild the same building with the same functions. (Mr. Griffith, Vail Resorts: The code also states you should improve the building to fit with the current surroundings. The new building will conform with many other issues that were not previously conforming.) (Ms. Puester explained the points system for building height increase.) (Ms. Dudney: You tell us that the tallest point is 32 feet but are interested in the height as measured per code.) (Mr. Lott: We can't determine that right now, need more information.) (Ms. Dudney: Am I correct about wanting the legal height?) (Ms. Puester: Yes, we will come back to that when we have the measurements-we need the topo information and elevations in USGS to come up with that calculation.) Keep in mind that we are bringing the grade down to make it ADA compliant, which in turn makes our building height higher. (Ms. Dudney: The code provides for negative points to be waived if it is a high traffic area. Does staff believe this is high traffic area?) (Ms. Puester: Yes.)

Mr. Giller: Posts and railings intrude into sidewalk. Sidewalk should have egress to public right of way. Could the easement be less than 3 points? (Ms. Puester: 3 is the minimum amount of points under the policy. We want an easement along the entire property line for the points, would exceed the width of the sidewalk for public access through the property to ski area.) But the rest of the area is just landscaping. (Mr. Lott: The connection is unknown at this point due to the planned roundabout at Village Road and Park Avenue.) This is a less than 4 feet wide public service walkway. Four feet is not wide enough. It should meet the future round about. It is screened by landscaping and that makes it seem like a private walkway. (Mr. Schroder: It seems like you are encouraging traffic that way.) (Mr. Griffith: It is meant to be a public benefit to get people off the road but not to be the main portal to the ski area.)

Received public comment in writing from Carol Rockne. No other comments.

Mr. Schuman: #1 I agree with density. #2 I think the height deserves negative points if it is over half a story. #3 I wouldn't award 3 positive points at this time because the plan is uncertain. It is a good start but there are still a lot of items to address. The walkway needs to be more purposeful.

Mr. Lamb: I agree with staff's interpretation for density. The height should be awarded negative points. It is a stretch to get positive points for the sidewalk. I think it is compatible with the surrounding building and a good architectural design.

Ms. Dudney: #1 yes. I view that as a legal nonconforming use. For the height, I need a better argument for not giving negative points. I would favor negative points. I agree with

- three positive points for the sidewalk but it needs to be wider.
- Mr. Giller: #1 yes. #2 don't know enough detail yet but it would probably qualify for negative points. #3 not there yet on positive points.
- Mr. Schroder: #1 agree. #2 worthy of negative points. #3 No positive points for something that looks like an alley.
- Mr. Gerard: #1 agree. It is an improvement over the old building. #2 I don't have enough info. I understand why you need a higher ceiling. I think it fits nicely with the surrounding buildings. I agree this is a high traffic area having lived close by. People will cross where they are encouraged to cross. It won't look like a main access if it is only 4 ft. wide. I hoped the parking garage would reduce the traffic and this is another way to encourage more traffic. I would be hard pressed to award points.
- Ms. Leidal: #1 agree. #2 fits but need to meet the two story guidelines. If it exceeds the guidelines it should get negative points. #3 Don't have enough info and I am concerned about the narrow walkway. Not enough info to decide on the snowmelt points it also depends if it is considered public or private. I am concerned with policy 5 that calls for natural material and you have a lot of non-natural materials. I don't think the light pink stucco is natural so please review that policy when deciding on your building materials.

CONSENT CALENDAR:

1. Briar Rose Addition and Accessory Apartment (CL), PL-2018-0021, 213 Briar Rose Ln.

With no requests for call up, the Consent Calendar was approved as presented.

TOWN COUNCIL REPORT:

Mr. Truckey gave a report on the February 6th Town Council Meeting:

- Planning decisions that were approved include the density shift from Peak 8 to Peak 7, the master plan amendment at Stan Miller to allow concrete batch plants, and the River Park.
- First reading for PIF rates change for smaller restaurants was approved. The new PIF rate will apply to new restaurants that are 800 feet or less.
- Approved the joint resolution for a TDR price change. It was undervalued significantly and the council and BOCC agreed to a higher price.
- Agreed to proceed with a retail market study for the potential new grocery store. Council would like to see the existing City Market expand but they are keeping all options available.
- Council wants to review the 2040 impact study. We have looked at that some of these issues in the past but would now be evaluating the impacts related to the high growth rate of the front range.

FINAL HEARINGS:

Hilliard House Restoration, Addition and Landmarking, PL-2017-0297, 110 S. Ridge St.

Mr. Kulick, with Janet Sutterley, Architect, present; presented a proposal to restore, rehabilitate and build a full basement beneath the historic house, remove all existing non-historic and non-conforming additions, and restore historic shed. Also included in the proposal is a new connector and kitchen addition, a new market-rate housing unit, a deed restricted employee-housing unit in basement level, and local landmarking of the historic house and shed.

Commissioner Questions / Comments:

- Mr. Giller: I think it is great that there is now a yard. Could you speak to the gabion wall and how it fits in the historic district? (Mr. Kulick: Janet will address the Gabion Wall.)
- Ms. Leidal: You are giving positive three points for shed restoration. What restorations are being done? (Ms. Sutterly: There were no historic photographs of the shed. We have one picture from the 60's or 70's. The shed will be stabilized with a full foundation, siding will consist of small

ribbed metal siding that we used on the brown stable, which is a historic material. Mr. Kulick: We discussed the shed restorations at first meeting and reached a consensus on positive (+3) three points for onsite historic preservation of above average public benefit.)

Janet Sutterley presented:

Ms. Sutterley passed out the color board? The main focus of the of the revisions since the last meeting was to focus on the landscaping. The landscape architecture team's goal was to transition between the two neighboring landscapes, Fatty's, which is more urban and the residential character of Mountain Outfitters.

Megan Testin, Landscape Architect, presented:

The gabion and seat bench stem from the history of the mining community. The gabion would be covered with a warm material. The wall and bench is currently there but the gabion would be new. (Ms. Puester: There is a fence policy that includes walls. They are generally not permitted, in the historic district we allow 4 foot high metal fencing. We don't have a gabion code.) It will be 18 inches tall and would be some sort of metal detail enclosing the stone. (Ms. Puester: Design standards would give that negative points and I am concerned about introducing this gabion. I ask that the Planning Commission remove the approval of the gabion wall.) The applicant's agreed to remove the Gabion wall.

Mr. Giller: What will the patio material be? (Ms. Testin: Pavers.)

No Public comments.

Mr. Lamb: This is a good looking project. It meets the code. A great example of how flexible zoning works. I support it.

Mr. Schroder: All the elements are there and I support as presented with the gabion modification (elimination).

Mr. Gerard: I was surprised this is already a final hearing. Maximum points were given for maintaining the non-historical shed roof. I am troubled that it gets full points but it serves no function. I would like to see it pass with exception of the gabion and the shed roof. (Mr. Kulick: To clarify primary structure is not getting the maximum positive points, it is getting +6 points. There are two more intervals of higher positive points under historic preservation of a primary structure, +9 and +12.)

Ms. Dudney: I support the project as design with the gabion modification.

Mr. Schuman: I support.

Mr. Giller: I support and agree with removal of the shed roof. It is contrary to the design requirements.

Ms. Leidal: I agree it is a great project. I think the shed roof is not consistent with the period of significance and I don't support the + 6 points because of that.

Mr. Lamb made a motion to approve with an additional condition added to the Findings and Conditions requiring the removal of the proposed gabion. Mr. Schroder seconded. Mr. Gerard voted no, remaining Commissioners voted yes. Motion passed 6-1.

COMBINED HEARINGS:

1. Verizon Wireless Communication Facility (CL), PL-2017-0689; 305 S. Ridge Street

This hearing was requested by the applicant to be continued to a future meeting, date to be determined. Ms. Puester gave a brief review of the request for continuance and recommended procedural process in Mr. LaChance's absence.

Commissioner Questions / Comments:

Ms. Leidal: Disclosed ex-parte contact from a voicemail and emails from Mr. Milmoie that was

unsolicited. I received one voice mail and three emails. I did not respond to the voicemail or the emails. The opinions expressed in the emails and voicemail will not affect my decision. (The Commission agreed unanimously that Ms. Leidal should remain for the discussion and decision.)

Ms. Dudney: Was there a date of continuance specified at the last hearing? (Ms. Puester: We posted a public notice and scheduled a hearing for this date. The letter for a continuance was received after notice had already gone out.)

Melissa Regan, Attorney representing Verizon, presented:

Thank you for the opportunity to be here and thank you for working with us. We want to provide you all the information needed by the Commission and Verizon is working diligently to provide this information. We would like a continuance and to reschedule to March 20th giving us a chance to provide you the information you previously requested. We are willing to enter into a tolling agreement to allow sufficient time which stops the shot clock but this takes time on our part to run through the corporate attorney office but I am here to represent this intention. We can answer questions about the continuance. We respectfully request additional time. We can also present if you would like to go that way as well.

Mr. Truckey: Does the Commission understand the tolling agreement and the 150 day shot clock? (Commission acknowledged they understood. Mr. Truckey explained the shot clock to the public.)

Ms. Leidal: Are you comfortable with the March 20th date? (Ms. Regan: Yes we are.)

Mr. Giller: Will the March 6th meeting be just staff? (Ms. Regan: Yes, to go over with staff and Town Attorney what comes from this Planning Commission meeting.)

Ms. Leidal: It is very standard to have a meeting with just the staff prior to the public meeting.

Public Comments:

Dan Richardson, 730 Columbine Road: Thanks for the detail provided on this issue. I would like to note that the existing building is out of character with the historic district. I see that Verizon will put fiberglass shielding and try to make it look like the stucco on this already hideous building. I think we are taking a hideous structure in our historic town and make it look even worse. Why not try to make the building more compliant with the district.

CJ Milmo, 62 Broken Lance Drive: I am here today to speak in opposition to the continuance. (Mr. Milmo distributed his memo to the Commission.) This request for continuance is unwarranted. It should be timely and show good cause but it is neither. Verizon had a year to prepare. Verizon was present at the previous meeting when we asked for more time to understand the proposal and they knew the rescheduled date. There was a secret meeting with staff. Verizon had not asked for a continuance until one work day prior to the meeting. That is an untimely request. It does not show good cause. Verizon does not state why they need a continuance. Twice they have said their application is complete. The continuance letter request says they are not required to respond with more information. The request does not give good cause and it should be denied. At the January meeting they were given until February 20th to provide supplementation to the record. I feel the process was near final review at the time but I did agree with giving it more time then. I request we deny continuance, close the record, and move into the decision process.

Mr. Giuseppe DeLuca, 41 Washington Lode: I have Verizon. My wireless works perfect. We live in a beautiful town with beautiful people. We are trying to do everything possible to make it beautiful. The cell phone towers will make it ugly. It will ruin the view. I visited many businesses in town and many people agree with me. Why do we need more cell towers in town? Let's put an end to this and keep our town beautiful.

Maureen Nichols, 302 S. Ridge Street: I have lived in the historic district since it was designated as historic. The state and the town work together on the historic district. I don't think it is appropriate to put these antennas in the town or in the historic district. I have a petition signed by many town people that agree with me. The signs you posted say that the hearing will be tonight and so does the letter that was mailed. Verizon asked Friday afternoon for a continuance and that is not fair. The public planned and scheduled to give their opinions tonight. I have maybe 300 signatures that agree with my stance. Most people I spoke with did not know about the new cell towers. They asked why does it need to go in town or the historic district when there are hills all around us it can go on. We shouldn't even have these in Town at all. There are a lot of comments on this petition. Many people in this audience have been talking to people in town. Many people came to my house today to sign this petition. We have a very concerned town. We want to keep our town pure. Let's not risk our historic district for this. (Ms. Dudney: How high did the petition says the facility would be?) 8ft. 9inches. (Ms. Dudney: So all the opposition was for these antennas that won't be seen?) The wind blows off that building and will blow the fiberglass material. It will set a precedence for future antennas. (Ms. Dudney read the petition to the Commission and audience. I respect your opinion but you are looking at pictures different from what I am looking at. You can't even hardly see these antennas proposed, not towers.) I have not said anything about visibility. In some school districts, they do not allow antenna nearby and some towns don't allow them anywhere at all in their town. Most property values fall in neighborhoods that allow these antennas.

Carol Anne McGregor, 229 Lee Lane: I just listened to your concern about the housing application in the historical district and feel that this is contradictory to the towers. It is a contradictory to be so concerned with the homes but not the post office tower.

Curtis Berry, 226 S. Ridge Street: We purchased our property in 2012 in the district and went through a rigorous process. We decided to purchase here because of the historic district strict design standards. The number one objective of the code is to protect the district. My wife and I are adamantly against the antenna. They do not belong in the district. There are other places in town for them.

Kim McGahey, 216 North Gold Flake Terrace, Chairman of the Summit County Republican Committee: Our committee passed a resolution in regards to the towers. Mr. McGahey read his resolution into the record. I We have taken it upon ourselves to exercise our right to speak and contacted the commission and council with our concerns and I direct people to ignore the ex parte and exercise their first amendment right. I beg you to disapprove the continuance and disapprove their request. There are many other places to put their towers.

Lilly Richardson, 730 Columbine Road: I appreciate your interest in our discussions and to keep the town beautiful. Maureen Nichols had done more than anyone for the historic district and it is a shame she has to look at the post office building. What is in it for the town of Breckenridge to have these towers in town? It does not bring benefit and I don't see any benefit. I think the post office itself should be made more attractive. The flat roof on the post office should be redone too.

CJ Milmo, 62 Broken Lance Drive: I have more to say but I am waiting for the decision on the continuance.

Melissa Regan: We are not saying that we would not provide the information requested. I am willing to provide the information you requested.

Commissioner Questions / Comments:

Mr. Gerard: During the period of continuance I contacted Mr. LaChance with two questions, one was, any thought as to why we should or shouldn't seek a third party review of the application. Verizon would have to prove that this location meets the four requirements? (Mr. Truckey: Staff looks for direction from the Commission. If the Commission decides they desire an independent third party review, we will find a consultant to have the work completed. There

is an approximate two week turnaround period and the applicant bears the cost. We do have the capacity to go that path if the Commission requests this.)

Mr. Giller: Policy 50 is well intended and we want to work within the guidelines. Policy 50 says we should not build antenna in the historic district if other areas are available. I am also concerned about collocation. We could have an antenna farm there. Design standard says it couldn't be more the 35 ft.; is this in violation of that standard. I don't think they have made the case for that.

Tim Berry, Town Attorney, refocused the Commission to comment on the continuance.

Mr. Gerard: I believe a third party review is the due diligence of the Commission. I spent my life making contested decisions. The best decisions are made when you have all the information needed. I think the continuance is ok if we follow through with a third party review.

Mr. Lamb: I support a continuation to provide the necessary information.

Mr. Schuman: I agree. Plus with more information, that's what the public is asking for so they should be ok too. I agree with a third party review for this.

Ms. Dudney: I agree a third party would help determine if the four requirements were met. I have trouble with Verizon service, Steve has trouble, Mr. DeLuca doesn't have trouble but we can't poll the entire town. The third party is a good idea.

Mr. Schroder: Verizon states they are trying to address a future need but didn't state that there is a need now. I think we should approve the third party review and allow Verizon time to give us the information we are asking for. A third party review is appropriate.

Mr. Truckey: You would like the third party to address the four decision criteria, correct? We need specific direction here. (The Commission agrees the third party would address the four criteria.)

Ms. Leidal: Is March 20th the hard date you are using? (Mr. Truckey: We will realistically need to continue this to the April 12th meeting. With the tolling agreement (suspending the shot clock) we should still have adequate time to meet the shot clock timeline.

Mr. Gerard motioned to continue the application to the April 12 meeting to permit Verizon to submit the previously required material and for the town to obtain a third party review addressing the 4 criterias of policy 50 A I(5). Second by Mr. Lamb. The motion passed unanimously.

CJ Milmo: I request that the info from the third party is made public well in advance of the next meeting. (Mr. Truckey: It will be public record and available.)

OTHER MATTERS:

No other matters.

ADJOURNMENT:

The meeting was adjourned at 8:20pm.

Christie Mathews-Leidal, Chair