

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:02 P.M.

ROLL CALL

Dan Schroder	Leigh Girvin	Michael Bertaux
Jim Lamb	JB Katz	Rodney Allen
Dave Pringle arrived @ 7:28pm		

Eric Mamula, Town Council Liaison, arrived at 7:30pm for the worksessions.

APPROVAL OF MINUTES

Page 5: Per staff, change SFE allocation for Commercial at Peak 7 & 8 from 21.5 SFEs to 19.5 SFEs at the top of page. Staff already fixed this error in staff report.

Page 8: Change “Ski and Rackets” to “Ski and Racquet”.

With two changes, the minutes of the November 18, 2008 Planning Commission minutes were approved unanimously (6-0).

APPROVAL OF AGENDA

With no changes, the Agenda for the December 2, 2008 Planning Commission agenda was approved unanimously (6-0).

CONSENT CALENDAR:

1. Mountainwood Condominiums Exterior Remodel and Addition (CK) PC#2008120; 1900 Airport Road
2. Snowdrop Condominiums Exterior Remodel and Addition (CK) PC#2008121; 180 Broken Lance Drive

Mr. Allen made a motion to call up the Mountainwood Condominiums Remodel and Addition (CK) PC#2008120; 1900 Airport Road, to discuss the density multiplier. Mr. Lamb seconded, and the motion was approved unanimously (6-0).

Commissioner Questions/Comments:

Mr. Allen: Sought clarification regarding the 900 square foot multiplier. (Staff explained how the number being used was derived. Staff explained at the time the project was built, a 1200 square foot multiplier was in existence in the development code, but this multiplier was not called out in the master plan. Therefore the SFEs called out in the master plan are vested but not the 1,200 square foot multiplier. Since staff erroneously told applicant that 1,200 was the multiplier, and design was based on this information, Town Attorney has advised staff to honor 1,200 square foot multiplier. Staff further explained the benefits of the Air Lock as proposed. It improves energy efficiency and aesthetics.)

Mr. Lamb: Asked staff if the 530 square feet in Mountainwood was mass and with Snowdrop (deck space) was density? (Staff agreed with Mr. Lamb’s assumptions about mass and density in the two proposals.)

Mr. Allen opened the hearing for public comment: There was no public comment and the hearing was closed.

Mr. Lamb made a motion to approve the Mountainwood Condominiums Remodel and Addition (CK) PC#2008120; 1900 Airport Road, with the presented findings and conditions. Ms. Katz seconded, and the motion was approved unanimously (6-0).

With no other motions for call-up, the remainder of the Consent Calendar was approved as presented.

COMBINED HEARINGS:

1. Resubdivision of Rock Pile Ranch Condominiums (CN) PC#2008123; 1900 Airport Road

Mr. Neubecker presented a proposal to subdivide property to create a 0.582 acre parcel (Lot 2C) at the north end of the lot. This parcel would then be transferred to the Town of Breckenridge in exchange for a similarly sized piece of Town owned land behind (east of) Rock Pile Ranch. The property received by the Town will be used as a turn-around for Town operated transit vehicles.

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

Commissioner Questions/Comments:

Ms. Girvin: Final Comments: Seemed straightforward and has common sense.

Mr. Schroder: Final Comments: Sought clarification regarding pedestrian traffic. (Staff pointed out pedestrian traffic is always considered in a subdivision review, but no definite plans exist for this property.)

Ms. Katz: Final Comments: Looks good.

Mr. Bertaux: Final Comments: It's fine.

Mr. Bertaux made a motion to approve the Resubdivision of Rockpile Ranch Condominiums, PC#2008123, 1900 Airport Road, with the presented findings and conditions. Ms. Katz seconded, and the motion was approved unanimously (6-0).

2. Resubdivision of Tract A, Runway Subdivision (CN) PC#2008122

Mr. Neubecker presented a proposal to subdivide the property to create a 0.582 acre parcel immediately east of Rock Pile Ranch at the west end of the lot. This parcel would then be transferred from the Town to the Rock Pile Ranch Owners Association in exchange for a similarly sized piece of land at the north end of Rock Pile Ranch. The land will eventually be used only for parking and landscaping for Rock Pile Ranch Condominiums.

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

Mr. Bertaux made a motion to approve the Resubdivision of Tract A, Runway Subdivision, PC#2008122, with the presented findings and conditions. Ms. Katz seconded, and the motion was approved unanimously (6-0).

WORKSESSION:

1. Neighborhood Preservation Policy

Ms. Puester presented a memo on the Neighborhood Preservation Policy.

At the September 11, 2007 meeting, the Town Council voiced concerns regarding the increasing number of large homes in Town. The Council indicated their desire to maintain and preserve the character of Town and its older, established neighborhoods. Teardowns and new construction resulting in large homes could pose a threat to the existing character of these neighborhood and Town environments. Staff has since been working with citizens (special meetings and comment requests), the Planning Commission (worksessions November 29 (2007), February 5 (2008), August 16, and October 14) and the Town Council (worksessions February 12, (2008), May 27, July 22, and October 28) in determining a favored approach to the identified concerns.

The Council agreed with the Commissioners that a Floor Area Ratio (FAR) should be applied with a maximum limit which is relative to the existing above ground character in the respective subdivisions. The Council also agreed and emphasized that additional meetings should be held with potentially affected property owners.

Staff has drafted policy language addressing the above ground square footage utilizing an FAR calculation as well as a maximum square footage limitation based on existing conditions in each subdivision. The FAR and square footage are relative to the existing neighborhood character for those subdivisions outside of the Conservation District without platted envelopes. As proposed, below ground square footage would be unlimited as it does not directly affect the appearance of the area.

- Does the Commission prefer an 80th or 90th percentile conformance rate and square footage limitation?
- Should the square footage limitation be in 500 square foot increments?
- Are the proposed floor area ratios appropriate?

Commissioner Questions/Comments:

Mr. Allen: Sought clarification regarding setbacks and if they existed now. Supported this concept but not what is in front of the commission tonight. Thought it was too restrictive. The community doesn't want to see large homes on small lots; however a large home on a large lot should be allowed. Suggested presenting options to the public to choose from during the open houses. Also suggested inquiring

with the public about property values. Regarding setbacks he would like to suggest a 50ft sideyard setback. Agreed with FAR. Maximums and minimums are way too low. Warriors Mark should not be more restrictive than the annexation agreement provided for. Liked rounding up to get to the maximum.

Ms. Girvin: Sought clarification regarding the below ground density; concerned that someone would have a large basement (larger than home footprint) which could create site disturbance and not allow new growth because of the basement shell interfering with root systems. (Ms. Puester commented that this policy was drafted to only apply to above ground density to address visual character impacts. Other issues such as buffering would have to meet code requirements.) (Mr. Neubecker added that the Staff could be stricter on the application of Policy 7, which already addresses these issues.). Concerned someone would build a huge part of the home underground disturbing the site. Make sure that what is important to the neighborhood is kept. When public input is sought, ask the public to define their neighborhood character, since character comes from more than home size. Really appreciated the council taking a hard look at this. Supported this program and direction it is going. Would be willing to go to an 85th percentile. Agreed with square footage measurements but would recommend 250 increments rather than 500 for visual massing purposes. Floor area ratios are appropriate. Capture the public comments about what they like about their neighborhood and use these comments for “whereas” reasoning in the document.

Mr. Schroder: Interested in further public comment. Supported 80th percentile and 500 square foot rounding. Smaller is better. When presenting this to residents, should be presented as “preserving neighborhood”.

Ms. Katz: Asked for clarification on Sunrise Point above ground square footage. (Staff explained the extreme steep slope conditions.) You never think that a house will be built bigger than the extreme example but then there is always someone who comes along and builds bigger. This is a start that needs to happen. Need to do something and do it fast. Pointed out that this policy would apply to all neighborhoods in town and opting out wouldn’t be an option for one particular neighborhood. It applies to all or none. Supported the policy and thinks it’s important. Felt council has to move forward to this policy. There are ways to improve a home without making it bigger. Over time, enlargements become bigger and bigger and change the character. The size keeps creeping upward. Would like to see 80th percentile but would be fine with going to 85 or 90. Could be an absolute number with the option to move up with negative points. Fine with the 500 square foot increments. FARs would be appropriate. Would be ok with allowing folks to add a bathroom to their home. Would be alright with always allowing a 250 square foot addition. But for some families that need a bigger house than is allowed, they may need to look elsewhere.

Mr. Bertaux: Sought clarification regarding public open houses to seek public input. (Staff explained the format and plan to seek public input.) This policy did not seem to address scrape offs, which I would like to see addressed. Limiting the size is a good start. Owners would have to meet all other aspects of the code (landscape buffering etc.). Supported 80th percentile, could be flexible to the 90th percentile size. FAR would be in line with existing subdivisions as presented tonight. The research is there. 500 square foot increments would be fine. Looked forward to further public input.

Mr. Lamb: This policy is a good start, can’t get a policy like this to be perfect for all. How did we come up with 1,500 square foot minimum? (Staff explained some oddly small lots lead to this number to allow a decent sized home, even on a tiny lot.) Would support the minimum being at 2,000 square feet. At the Warrior’s Mark annexation, the residents wanted more restrictions that come along with being in town. This policy would be easy to present to the public as it is much simpler now; liked the memo. Supported 80th percentile and 500 square foot rounding up. Felt FAR would be appropriate.

Mr. Pringle: Any elaboration helps make this policy more palatable to the community. Get this out to the public as many ways as possible. Suggested contacting the newspaper to write a story on this topic. How does this policy address the natural evolution of a neighborhood when it would otherwise reach 110 percent of existing size? Pointed out how homes have grown in certain neighborhoods which has been socially acceptable. (Mr. Truckey: explained how the different percentiles worked and how they would be applied to set maxim cap.) The existing code’s flexibility has served the town well and would like to see this policy have some flexibility. Commended Ms. Puester’s efforts and supported in theory everything presented tonight. 500 square foot is fine as well as FARs recommended. Cautioned council to be careful with an absolute policy for single family homes when absolutes aren’t used for other land uses. Thought the town needs to evolve naturally and thus

needs to be cautious. Therefore this policy needs flexibility. Was in favor of this policy but not if it is absolute but allow for the evolution of the town which is constantly moving.

Mr. Mamula: Changing setback for each subdivision would be really subjective and what the rest of the code is for. Changing setbacks in each neighborhood would be a huge mess. Council wants to know if the public is ok with limiting the size of homes in their neighborhood; is it alright to limit home sizes where there is no building envelope? The town attorney is satisfied with this policy as is because it eliminates a takings issue. If there is neighborhood pushback on a large scale the council will back off. It would either apply to all subdivisions without envelopes, or to none. Council is leaning towards the 80th percentile but if the Commission thinks that 100% is better, then let them know. Didn't feel home values will be negatively affected but rather property values will be positively affected, by preserving character. Encouraged as many town officials to show up to future public hearings as possible. Would be alright with a 250 square foot allowance above the max.

Mr. Allen opened the hearing to public comment.

Kem Swartz (Lives in Warrior's Mark): Citizens within Warrior's Mark just found out about this in September 2008 and Ms. Puester has spent a lot of time with me explaining the policy. Glad to hear that more public comment will be sought. Ms. Puester is planning to have a special meeting with Warrior's Mark too. Wanted to make sure that Warrior's Mark issues would be incorporated. Pointed out height restrictions didn't apply to Warrior's Mark per the annexation agreement. Suggested allowing subdivisions to opt out of this policy. Pointed out that recent additions to his neighborhood wouldn't have always been allowed under this policy and the additions completed to date have enhanced the community. Adding on to an existing home does not change the character. Warrior's Mark would feel better about it if there was the 250 square foot flexibility over the max.

There was no more public comment, and the hearing was closed.

TOWN COUNCIL REPORT:

None

OTHER MATTERS:

None

ADJOURNMENT:

The meeting was adjourned at 8:48p.m.

Rodney Allen, Chair