

PLANNING COMMISSION MEETING

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

ROLL CALL

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

APPROVAL OF MINUTES

With no changes, the July 17, 2018 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the August 7, 2018 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Comment

FINAL HEARINGS:

1. Denison Apartments (CK), 1910 Airport Rd, PL-2018-0206

Mr. Kulick presented a proposal to construct two apartment buildings totaling 26,632 sq. ft., sited on 1.2742 acres and featuring 16 deed restricted employee apartments and 16 market rate apartments with a short term rental restriction.

Commissioner Questions/Comments:

Mr. Schuman: The snow storage plan was not covered previously. Can you show it on the map? (Mr. Kulick showed the snow stack area on the map.) They will be plowing up hill. (Mr. Kulick- It is a very realistic snow stack area. Some snow will slide back due to the slope but it meets our requirements.)

Ms. Leidal: Is engineering ok with the grading? (Mr. Kulick- We have met with Town Engineer Shannon Smith and Kenny Thaermert and they are both ok with the grading.) In an effort to not set precedent to offsite grading. I feel that adding a finding might be appropriate. There is already a note to attain approval from the adjacent property owner in Continental Court. Can we add a finding for approval from the adjacent property? (Mr. Kulick - Yes we can add a finding and conditions to the document why we are allowing grading.) (Mr. Thaermert – We currently have a grading permit from Engineering that is subject to the approved Development Agreement.) The added finding would be specifically for avoiding setting a new precedent for offsite grading.

Is there a sidewalk on the other side of the street, across from CMC? Why not continue the sidewalk? (Mr. Thaermert - It will connect to the existing sidewalk.)

No public comments.

Mr. Lamb: I support the analysis and appreciate the diversity in architecture. Drainage has been terrible in that location and I am ok with the grading, it is sorely needed.

Mr. Schroder: I support staff analysis and support the project.

Mr. Gerard: I support staff analysis and the project fits in nicely with the surroundings. I also support taking care of the current water issues.

Ms. Leidal: I support staff analysis with the additional finding and condition.

Mr. Gerard made a motion to approve with the additional findings and conditions (listed below), seconded by Mr. Schuman. The motion passed unanimously.

Finding

7. Offsite grading and site disturbance associated with drainage improvements to the site is allowed with the permission of neighboring property owners due to the unique site characteristics and approved Development Agreement with the Town of Breckenridge.

Condition

6. Permission for all offsite site disturbance and grading associated with drainage improvements must be obtained from adjacent property owners prior to the commencement of any offsite grading or site disturbance.

PRELIMINARY HEARINGS:

1. Noble House Addition, Restoration, Change of Use and Landmarking (CL), 213 S. Ridge Street, PL-2018-0069: Mr. LaChance presented a proposal to remove a non-historic addition, relocate the house 5 feet to the east, construct a new addition with connector element and garage on the west end of the property, change the use to residential, renovate the structure, and designate the historic structure as a Local Landmark.

Commissioner Questions/Comments:

Mr. Gerard: In regards to moving the structure, the report states if you are relocating less than 5 feet it incurs -3 points and between 5-10 feet, it incurs -10 points. (Mr. LaChance: The applicant will adjust the distance to 4'-11". Good point, thank you.)

Mr. Schroder: Does the ridgeline pertain to the original historic structure? (Mr. LaChance: As it pertains to Priority Design Standard 80A, I believe this Standard instructs us to measure the difference in height between the historic residential structure and the proposed addition.)

Ms. Dudney: In the precedents that you reviewed, was the difference in height measured using ridgeline or mean roof elevation? (Mr. LaChance: I did not review the method of measurement for all of the precedents.) (Mr. Truckey: It make sense in the project to look at ridgeline because we are looking at the visual difference between the two structures.) Does it have a capitalized building height in the design standards? (Mr. LaChance: No, it does not.)

Mr. Gerard: (Mr. Gerard read from the staff analysis.) It seems to be focused on ridgeline height. There is a definition in the Town Code, Policy 6 regarding building height measurement.

Mr. Schuman: Is the positive three (+3) points recommended by staff for historic preservation due to the positive five (+5) points they received in 1997? (Mr. LaChance: No. There have changes to Policy 24/R since 1997 in regards to point assignments. We think it fits the current conditions.)

Ms. Leidal: (Read from the code about moving structures.) This means you need to do a full restoration when moving the structure. (Mr. LaChance- Section F. was implemented in 2013, which provides a negative point assignment for the moving of historic structures. Since that time, there have been 2 precedents where a project has received negative points for the relocation of a historic structure but also received positive points for historic preservation. Those projects are two that I mentioned earlier, the Old Enyeart Place project at 112 S. Harris, and the Marvel House project at 318 N. Main St. Both received negative points, negative three (-3) and negative ten (-10) points respectively, for moving the house. Both also received positive six (+6) points for historic preservation efforts similar to this project.)

Mr. Lamb: We did discuss banking positive points in a past discussion. (Mr. Truckey: We talked with Tim Berry about earning positive points even if the code requires restoration such as a

foundation when a structure is moved. Tim believes that the project can still accrue positive points for historic restoration in this situation. The ultimate point assignment is up to the commission to determine.)

- Mr. Schroder: It seems the plumbing, electrical, and mechanical changes are being counted for the positive points. Is there a period of time we would allow stacking points?
- Ms. Leidal: If they are doing new improvements, it shouldn't be considered stacking.
- Mr. Schuman: I can't imagine an instance when we would stack points. (Mr. Kulick: It is different than point banking, you have to look at each new item.)
- Mr. Lamb: What if every few years the same house gets positive three (+3) points for the same restoration?
- Ms. Dudney: I support erring on the side of positive points to encourage preservation. (Mr. Truckey: Called out the restoration work that had occurred in 1997. The restoration work proposed now is different in scope so should qualify for positive points.)
- Ms. Dudney: It is a huge expense to improve the plumbing, electrical and mechanical and that is why there is a difference in the points between positive three (+3) and positive six (+6).
- Ms. Leidal: Is there an addition of a window well? (Mr. LaChance: Under the listed changes since the first Preliminary Hearing in the staff report, the report should read "removal of two window well on the west side of the house", versus "addition".)

Janet Sutterley, Architect, Presented:

The two window wells on the west side will be removed and one will be replaced on the south side. This makes sense for egress. The retaining wall will work inside the 8 feet if any problems arise but it is just nicer if it comes out a bit. I too researched precedent regarding connectors that were allowed by the Commission to be shorter than required by Priority Design Standard 80A, and came up with the same four projects as Chapin. If the Marvel House had the calculation per Priority Design Standard 80A applied, the connector would need to be 37 feet long. In this case it was decided by the Commission that the length formula did not work at all. This is what the massing would look like if the full length is required per Priority Design Standard 80A (provides drawing to Commission). The reason to show this is because the math formula doesn't work here and it won't look right. The massing is correct as proposed and it is designed to look proportionally correct. The connector looks short on the north side because the garage is blocking it but it is the same as the south side. Using the math formula per Priority Design Standard 80A would lead to a funny looking addition in the back. When I go through the list of examples for positive six (+6) points under Policy 24/R, we meet everything on there. I want to make sure we are not double dipping the reverse way because we need a foundation under the building. In 1997 they said they put a new roof on but we are gutting this house and in doing so we will sister the roof rafters to meet Building Code. There were problems with the current roof because they didn't solve the structural problems. I feel like that is not spelled out well so please consider that. Some siding needs to be restored and some needs to be added. The west wall is being restored but we don't know what is in there now. (Mr. Schuman: Are you restoring historic doors and window openings?) Yes. The east side are the original openings. We think we will find more when we pull the interior off.

- Mr. Lamb: What length would the staff like to see for the connector? (Mr. LaChance: There is a point where it could become too long, of course. Based on the precedent that we have reviewed tonight, we know the Commission has found this to be the case in the past and allowed a shorter connector. The Old Enyeart house is an example where the connector met the one-half length of the historic structure but did not meet the additional requirement based on building height difference. The stated intent of Priority Design Standard 80A is to show separation between the buildings.) (Mr. Kulick: Intent is to show separation but we know the math doesn't always work, for example a very deep house would not work.)
- Ms. Dudney: It seems the formula is trying to prevent a very tall addition from being installed and that is probably why the math formula is included. Unfortunately, it ends up discouraging the preservation for a lot like this. Would someone ever spend the money to put in a 10 foot

wide addition? I don't know how we get around the Code.

(Mr. LaChance read from Priority Design Standard 80A, emphasizing the words "should", "preferred", and "required".)

Mr. Gerard: The word 'Should' does not mean mandatory in legal terms. Ms. Dudney is right in her assumption of why we are looking at this. It is to disallow the giant new building. The clause in Policy 80A also says "In general", so we have flexibility and can add findings to make it appropriate.

Mr. Lamb: We need to follow the intent of the Design Standard. The word 'should' gives you some wiggle room. We can look at this drawing and decide if the formula works, and if not, we can make adjustments. (Mr. Truckey: Priority Design Standard 37 requires the addition to be visually subordinate to the historic structure, so if you find that the proposal complies with Priority Design Standard 37, then perhaps that gives you some flexibility as to how you implement Priority Design Standard 80A.)

Ms. Leidal: What is the floor to ceiling height above the garage? (Ms. Sutterley: 9 ft.) You could drop the height in order to reduce the required connector length per 80A, but it might not look right. (Ms. Sutterley: It would look funny.) Mr. LaChance mentioned horizontal board on board siding. Is that proposed? (Ms. Sutterley: No. Ms. Sutterley explained the siding choices on the structures.)

Public Comments:

Jan Radosevich, 213 ½ South Ridge Street:

The fence that the staff is requesting to be cut down to 3 feet is my fence and on my property. I maintain the fence. It defines my backyard and has for many years. It is my fence. I have a staff report from 1994 and a survey from Baseline that shows the fence on my property. Please don't take that fence down.

Ms. Dudney: What will happen with this fence situation? Two surveys show the same fence on different property.

Ms. Leidal: Are you opposed to them moving it back 2 inches? (Ms. Radosevich: I could think about that but it is an adverse possession condition, which the requirement in Colorado is 18 years.) (Mr. LaChance: Staff can consult with Town Attorney prior to the Final Hearing and get back to the Commission then regarding the fence.)

Mr. Lamb: We can work through the fence issue. The connector requirement in Priority Design Standard 80A equates to an Absolute Policy, but the proposed connector is doing its job and meeting the intent. It is an extensive renovation and it should get positive six (+6) points for historic preservation.

Mr. Schuman: I think if we get more detail at Final Hearing, I could be swayed into positive six (+6) points preservation. Right now I am between positive three (+3) and positive six (+6) points for historic preservation. You are close but I need to see more detail. The connector fits as proposed and accomplishes 80A. Regarding the fence, Jan should not lose the fence.

Ms. Dudney: I agree with Mr. Lamb and Mr. Giller. I am in favor of the positive six (+6) points for historic preservation. I believe we can address the connector length with a finding.

Mr. Schroder: The connector fits the property and the design. It meets the definition of a connector and Priority Design Standard 80A. I think adding a Finding is the appropriate way to go. I support as presented. The fence may not be on the project's property, if this is the case then it should not be in our review. It would be great if it ended up as the neighbors. I support positive three (+3) points for historic preservation instead of (+6) points.

Mr. Gerard: I don't think the calculation regarding the length of the connector per Priority Design Standard 80A is mandatory. First it has to be 6 feet long, then it has to be at least half the length of the historic façade. From there, it is about architectural fitting. The measurement of height is Policy 9-1-19-6A and it is a mean elevation. I agree with positive three (+3) points for historic preservation and no more. You want to move this house, but you don't

have to move this house. I think it is generous to allow moving it 5 feet. The window well that is now proposed in the front yard pushes it forward even more. I don't want to establish precedent for awarding extra positive points for the moving a historic house and doing what you are required to do anyways. The fence is not an issue and should remain.

Ms. Leidal: I agree with positive three (+3) points for historic preservation. Policy 24/R requires full restoration when moving a historic structure. The intent of the Priority Design Standard 80A regarding connectors is met and should be addressed with a finding. I also think Policy 9/A allows the Commission to allow eave encroachments into an Absolute setback of up to 18". As the eaves of the addition are proposed to encroach into an Absolute setback requirement in the rear, we need another Finding to say we allow the eave encroachment. I would like to discuss the board on board siding. Design Standards 90 and 165 call for material that is compatible with the historic district such as 4" reveal siding, and I ask the staff to please consider that. I want the fence to belong to the neighbor and I hope it doesn't have to be taken down. I am sure staff and the Town Attorney can work that out.

Mr. Gerard: One last thought. I appreciate you labeling the "barn" as a "garage" with the latest plan revisions, and for calling it what it is. Thanks.

COMBINED HEARINGS:

1. Denison Placer Subdivision (JL), TBD Floradora Drive, PL-2018-0237

Mr. Lott presented a proposal to resubdivide Denison Placer, Lot 7 to create a total of 4 new lots and dedicate additional right of way for Floradora Drive and Fraction Road.

Commissioner Questions/Comments:

Mr. Gerard: Are you talking about the existing rec path? (Mr. Lott: No, a new, proposed path)

Mr. Schroder: In the last meeting we were presented a traffic calming plan. Will that be put in place before all the phases? (Mr. Lott: Yes).

Ms. Leidal: Can transit buses and fire trucks fit through the roundabout and other calming features? (Mr. Lott: Yes, they were considered in the planning process.) What is the excess parking easement referenced in note 6? (Ms. Best: Explained where the parking easement is on lot 5. The note will be removed prior to recording.) No text showed for condition number 9. Why? (Mr. Lott: That was an error and it should be eliminated.)

Mr. Schroder: Is Parcel D skier parking? (Ms. Best: That is currently school district property and is in process of being traded to the Town for another parcel. The access to the parking and the neighborhood will be different.)

Ms. Leidal: I love the sidewalk along the rec path.

No Public Comment.

Mr. Schuman made a motion to approve, seconded by Mr. Lamb. The motion passed unanimously.

OTHER MATTERS:

1. Town Council Summary - Mr. Truckey provided a review of the most recent Town Council Meeting:
 - New transit bus bays were approved
 - Short term rental restrictions discussions. Additional fee on short term units except where there is a 24 hour front desk.
 - Appeal from the Brown Hotel that would allow outside music to exceed the established decibel limit. Council denied the appeal.

ADJOURNMENT:

The meeting was adjourned at 7:40pm.

Christie Mathews-Leidal, Chair