

PLANNING COMMISSION MEETING

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

ROLL CALL

Christie Mathews-Leidal
Mike Giller
Dan Schroder

Jim Lamb
Steve Gerard
Gretchen Dudney

Ron Schuman

APPROVAL OF MINUTES

Mr. Gerard's comment on page 4/5 stating moving the house three feet should read five feet.

With the above changes, the August 7, 2018 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the August 21, 2018 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No Public Comment

CONSENT CALENDAR:

1. Fowler Residence (CL) 145 Penn Lode Drive, PL-2018-0306. Staff handed out new findings and conditions at this meeting.

Motion to call up by Mr. Giller, seconded by Mr. Schuman. The motion passed unanimously and the item was called up.

Suzanne Allen-Sabo, Architect, Presented:

We originally worked with staff to get to zero points but were given two negative points late last week for excessive disturbance in the Cucumber Gulch PMA (Preventative Management Area). The PMA was created after plotting these lots and I feel it is unfair to give negative two points. Shock Hill roads and Shock Hill Overlook are in the PMA. We feel it is unjust to get negative two points. The HERS rating required would be tough to get to. I have never gotten that rating before. We are willing to install solar panels but feel we were unjustly targeted. The solar would be a 5 kilowatt system. There is a lot of tree screening so you wouldn't see them from the Gulch.

Tom Begley, property owner, presented:

They subdivided Shock Hill in 1999. These lots were exempt from the PMA at the time. I argue that the exemption should continue going forward. Homeowners are caught between a rock and hard place. Their garage door has to be screened and turned which puts the homeowner in a disadvantage because it requires more paving. I do not know what size is excessive but this doesn't seem excessive compared to other homes.

Commissioner Questions/Comments:

Mr. LaChance: There are two Development Code Policies affected for which staff is recommending negative points for the amount of paving. The first is Policy 7, for the length of the driveway which causes excessive site disturbance. The second is Policy 37 (Special Areas) which is the Policy under which staff is recommending the negative points for excessive paving within the Cucumber Gulch Overlay Protection District. We are

recommending points under both of these Policies because we believe there could have been an alternative site design which could have limited the driveway to within the Disturbance Envelope (Ms. Dudney: Would the garage location have complied with the HOA Guidelines if it wasn't proposed to be located on the side?) I don't know the Shock Hill HOA Guidelines.

Mr. Lamb: Is the lot unbuildable without going into the PMA? (Mr. LaChance: Yes. This lot, Lot 6 is one of three Lots, Lots 6, 7, and 9, which are located within the PMA. The Town approved a Variance in 2013 to allow these lots to be built on, so that there was not a compensable taking, but the lots were subject to a Restrictive Covenant and Agreement which contained Development Standards and Best Management Practices. Staff finds that this proposal complies with all the Standards and Practices specified in that document. I believe the Restrictive Covenant and Agreement was recorded in 2013, and Policy 37/R was codified in 2010. Staff believes the negative points under Policy 37/R for the amount of impervious surfaces should apply.

Ms. Dudney: Are Lot 7 & 8 done? (Mr. LaChance: The Planning Commission approved a house on Lot 7 in 2016, I believe, which staff recently C.O.'d. Lot 8 is vacant.) I feel the Planning Commission is put in an unusual position since we don't have many details about it. We could discuss the issue or proceed with the solar panels, but I can't speak to the points without more detail. (Mr. Truckey: Staff feels comfortable with the negative four points for excessive site disturbance. The garage could have been placed elsewhere to reduce the disturbance and paving.)

Mr. Giller: I agree with staff and the negative points for the driveway. The HOA wants the garage door on the side, but the driveway and garage could have been designed to reduce the paving.

Ms. Leidal: Suzanne, how would you like to proceed? (Ms. Allen-Sabo: We would like to move forward tonight.)

Mr. Lamb motioned to put it back on the consent calendar, with new Findings and Conditions, seconded by Mr. Schroder. The motion passed unanimously and the project was approved.

2. Breckenridge Market and Liquor Exterior Modifications (CL), 305-311 S. Ridge Street, PL-2018-0320

Commissioner Questions/Comments:

Mr. Giller: Is the lighting above the awning? It needs to come in to compliance. (Mr. Grosshuesch: There are several things we bring into compliance on projects but lighting isn't usually one of them.) If lighting isn't part of the project please note that. (Mr. LaChance: The lighting is not proposed with this project, but we can add a Condition of Approval for the lighting. The Town Code has a sunset provision which requires all lighting to come into compliance by 2020.) That would be great, thank you. Was there a discussion with the applicant about the galvanized strip being suitable for the building? (Mr. LaChance: No, if they applicant is in the audience, we can ask them to clarify that for you. It actually looks like the applicant is not in attendance tonight.)

Mr. Gerard: The plans call out new beams with metal accents and exposed bolts. Is that correct? (Mr. LaChance double checked the plans and mentioned that he believed the applicant is proposing corrugated metal, not metal beams. I believe the reference to beams is leftover from previously approved plans for which the Permit expired, and the applicant is re-using the same plans, and whitening out any labels for scope of work that is not proposed. This was originally submitted as a Class D Minor Development Permit application, but staff has referred it to you due to the issues involved. Staff can ask the applicant to correct any mislabeling for you.)

Mr. Giller: I think the beam is appropriate but the corrugated metal band is not appropriate. Also, the

- signage isn't clear on the plans.
- Ms. Dudney: I have no problem with the metal band because this building is not representative of the historic district.
- Mr. Schuman: I agree with Mr. Giller.
- Mr. Gerard: I agree with Mr. Giller as well.
- Mr. Schroder: I think we should have a continuance vote.

Staff clarified that the continuance date would depend on when the applicant could provide the additional submittal materials to clarify the building materials and lighting questions.

Mr. Gerard motioned for continuance, seconded by Mr. Giller. The motion passed 6-1, with Ms. Dudney dissenting.

PRELIMINARY HEARINGS:

1. Casey House (CK) 112 N. French Street, PL-2018-0262

Mr. Kulick presented a proposal to rehabilitate and add a connector and addition to the historic residence on North French Street.

Commissioner Questions/Comments:

Mr. Giller: Are there as built pictures of the historic building? (Mr. Kulick: I have them but they did not get in the packet. There is one picture in the staff report.)

Lee Edwards, Applicant, Presented:

Thanks Chris. This is a primary residence and is going to belong to the homeowner for some time. It won't be sold again in a few years. The original structure is 12 x 12 from what we can tell. Another addition was built around 1920. The historic home features a unique north/south ridge line that runs parallel to French St. The third addition to the house has an original vaulted ceiling. It is the only one I have seen in the Historic District. We will not change any walls on the interior. The windows will be opened back to the historic size. No current windows are historic. The current laundry room will be converted to a kitchen pantry. The connector will connect to the mechanical room in the garage. The historic structure is pretty pristine. The connector provides the stairways and is 10 feet wide. The foot print is 12 ft. wide. The ridge of the connector is not 2 feet lower but is offset from the historic structure's ridgeline. The connector could not accommodate a stairway if it is 2 feet lower than the primary structure. The length of the connector provides a good separation between the two buildings. The upstairs floor plan has a mechanical room. The upstairs is a big open space and a roofed porch. We have a north/south ridge line on the historic building so we want a north/south on the addition. Makes it practical and easy to build. The secondary ridge is on both sides. All of the shed roofs come up part way. We want to see what you think. Three adjacent properties are working with the applicant on the sheds. (Mr. Kulick: We are offering an encroachment license on the Town easement to keep the sheds in their historic location.) We can bring the addition's mean height down to 23 feet, we are working with staff on that. The porch detail on the southwest corner is at 8ft. as to not block view. Building materials will be shown at the next meeting, they are very simple materials. The historic structure will be preserved as required.

Commissioner Questions:

Ms. Leidal: What historic restoration is planned for the out buildings? (Mr. Edwards: The restoration will consist of a wood foundation wall, trusses and walls to meet code. New floor and floor joist. Reinforcing trusses. On the exterior, we will replace vertical siding. We are getting material from Rob Theobald's project that is historic.) Will they match what is there? (Mr. Edwards: Yes. Not much has been done to them over the years.) Do they count as mass and have lighting? (Mr. Kulick: It does count as mass.) (Mr. Edwards: They will be used, but not as housing. There were improvements on the roof but the sheds have received no improvements over the years.)

- Ms. Dudney: Is the width of the connector an issue? (Mr. Kulick: No.) Could there be a flat roof? Would it drive the height? (Mr. Giller: Yes.) Could you address the size of the addition and the height? (Mr. Edwards: I assume you are all familiar with the neighborhood. The garage makes sense and it dictates structure on the first floor. The second floor is about livability. Being able to stand up and the allowing the sun to come in the room.)
- Mr. Schuman: Can you go with a lower pitch? (Mr. Edwards: I'll let you discuss that. I am not a fan of that, we want it to match the existing home's 9:12 pitch.)
- Ms. Dudney: In regards to height and the difference between the mean. Is the historic structure 11 feet to the mean? (Mr. Kulick: Yes.) The other examples are significantly taller buildings. Does that sound right? This building is low? (Mr. Kulick: Yes. It is a low building. We researched to get a range in the difference in heights. The height of the addition vs. the historic structure on this project is the biggest difference we found. In the analysis we used language from the guidelines to determine it is too high as is.)
- Ms. Leidal: Are you higher than the neighbors? (Ms. Monaghan: They are slightly higher.)
- Mr. Giller: There are two metrics at way and that is a challenge with design. It is too tall and you have options to change that.
- Ms. Leidal: Are you running 220 in the great room? Is it a lock off? (Mr. Edwards: It is not a lock off. It will not be on VBRO. There will not be 220 in the great room.)
- Mr. Schuman: Are you confident the windows will work? (Mr. Edwards: Yes. We are almost in agreement with staff now.)
- Ms. Dudney: How about the length of the connector needing to be longer? (Mr. Edwards: We will refer to staff on that solution. I don't need it longer functionally.) Will one foot make the difference? (Mr. Edwards: I like the standard of 24 ft. deep garage, so that it can accommodate a large truck or SUV.)
- Mr. Giller: You should have tilt blocks on your drawings. (Mr. Edwards: Yes.)

Public Comments:

Lynn Hoffman, President, Longbranch Condo Association:

There are five concerns we would like the staff to address. We do not have an agreement with Lee for the sheds. We are concerned about the historic preservation of the sheds. We proposed an encroachment agreement. Our initial proposal was to use the sheds but if they are restored, they should be moved to their property. We request to disallow the three points for preservation. The code states outbuildings need to be moved onto the owner's property to receive positive points. They are not going to have room to move them onto their property because of the connector issues. We object to the height. It will affect every homeowner and the first floor will be totally obstructed, the second and third level will be partially obstructed. The proposal will have a negative impact on every unit's property value. Their setback does not meet requirements. We are concerned about a kitchen on the second floor. (Ms. Dudney: To clarify, if they improve the shed they need to move them back on their property and if you leave them alone they can stay?) Yes. Mr. Schuman: If you don't put in a foundation on the sheds they will be gone some day.) Yes but they have been there a long time. (Mr. Giller: A foundation under a historic structure is the right thing to do.)

Deb Edwards, introduces herself as estranged wife of Lee Edwards, owner at 103 N. High Street and 108 N French Street:

I have restored two properties in town. We restored 108 S High Street. We managed to live in there without any trouble standing up in that building. The second structure we restored to be a commercial structure which has now been returned to residential. When I walk on that street, there are three beautiful little buildings. I think this proposal is massive and will crowd the three buildings. I appreciate Ms. Leidal's question about the back and the potential for it to be a lock off. I think it is being designed and built so it could be a lock off. To say it will never be a lock off is a promise that cannot be kept. I am concerned about that large of a mass in

that neighborhood.

Commissioner Comments:

- Mr. Kulick: I can further research awarding positive points for shed restoration where the shed is not fully on the applicant's property.
- Mr. Giller: What is the roof pitch of the buildings? (Mr. Edwards - They are at 9:12.)
- Mr. Schroder: You need to compare the proposed mass of this project against similar houses on the block, Longbranch and the Bank of the West building are not good comparisons. I support the historic preservation points. I am interested in what you will be coming back with based on the Commission's feedback. The addition seems to overpower and is not reflective of the other buildings. The connector fits given how low the primary structure is. I like that we are looking at connector as site specific. I do support the connector. Thank you to Chris and Lee for your thoroughness.
- Mr. Lamb: It doesn't look like a connector--it needs the two feet of separation. I would like more research on moving the shed for positive points. If you put the shed on a foundation it will be used at some point. That is what happens. When I see so many failing policies I believe it should be sent back to the drawing board. That is a lot of negative points. Sight buffering is cheap and easy. The proposal has way too many issues.
- Mr. Schuman: I like the 6 points for preservation. There is too much program here. The connector looks good now but I am assuming it is going to change to address other issues. Landscaping is needed. Just too much programming. Lots of work to do here.
- Ms. Dudney: I agree with the staff report as written. I am not giving any specifics because there will be so many changes. I encourage you to restore the historic property but this is hard to approve because there is so much mass. I am concerned about the neighbors.
- Mr. Giller: I agree with fellow commissioner and with the staff report.
- Mr. Gerard: Chris went above and beyond analyzing similar projects for the report. The problem is the unfortunate height of the historic building. Anything behind it will look huge. I think that is the real issue, the size of the new vs. the old. I encourage the home owners to resolve the problem with the shed. You can say in a recorded covenant what the use will be or not be. The sheds need to be restored and they should be put on foundations. Let's improve the sheds, keep them in place, and protect the use of the buildings. It is unfortunate that the views will be obstructed but you can never guarantee your view. However, some owners will be affected by a legal conforming plan as well. Keep talking with Mr. Edwards. He appreciates historic preservation and I hope we will find a middle ground.
- Ms. Leidal: I agree with the Commissioners. There is a lot of program here. I need more information to give the positive three points for the shed restoration. We need more information about the foundations. I think the roof and height is just way too big. I like staff's recommendations for landscape and buffering. I don't want building materials and colors to slip through the cracks. Thanks you Chris and Lee for your thoroughness. And thank you to the public for their comments.

2. Snider Mixed Use Building (CL), 327 N. Main Street, PL-2018-0222

Mr. LaChance presented a proposal to construct a new mixed use building with commercial space on the main floor in the basement, and a residential apartment in the upper level and in the basement.

Commissioner Questions/Comments:

- Mr. Dudney: Did they propose more trees but were turned down? (Mr. LaChance: Yes. The applicant proposed an additional tree, but it was removed at the request of the Town's Engineering Division due to sight distance requirements for ingress and egress to Main St.) Is the building set back 8 feet? (Mr. LaChance: The foundation wall is shown at 9'6", as I have scaled it, and the building roof eaves are at 8 feet.) If this building was proposed as

- exclusively commercial, there would be no set back requirement, correct? (Mr. LaChance: Yes. The Town Code does not have a setback provision for mixed use buildings, it only lists separate requirements for residential and commercial.)
- Mr. Giller: It is not in the local district but it is in the Conservation District? It is in the National district. (Mr. LaChance: Correct, the site is located outside of the Local Historic District but within the National Register Historic District. The Town Code prohibits the transfer of density into the Local Historic District.) Please clarify that in the report. (Mr. LaChance: I will, thank you.)
- Ms. Leidal: Are those 7 parking spaces used for other lots? (Mr. LaChance: No, they are specific to these lots. It is a unique situation in that the parkings spaces are actually dedicated to each lot within the subdivision on the recorded plat. I have looked at the property files for the other lots, and the parking requirements for those lots are being met on those lots.)
- Mr. Lamb: What is the applicant's preference on Development Agreement vs. TDR approach? If they do the TDR will the -30 go away? (Mr. LaChance: It is my understanding that they are actually both needed on this project for it to be approved. In other words, the TDR's are necessary for the applicant to exceed the recommended density, and the Development Agreement would be necessary to waive the -35 points under Policy 3 for exceeding the recommended density. If the applicant proposes a method to make up the -35 points under the Development Code, they would not need the Development Agreement, but they would still need the TDRs.)

Mark Provino, Architect, Presented:

We are excited to bring an attractive building to this space. It will fill in some dirt at the front door of Breckenridge. We feel the setback can be moved if needed. We tried to match the street edge and other buildings when we surveyed but it can be adjusted. The street trees can be added without problem. The density issue is below ground and will provide an apartment, storage, and office space. We would like to come up with a Development Agreement with Council. There are other examples with precedent.

- Ms. Leidal: If the apartments were deed restricted, would the density be counted? (Mr. LaChance: It would count in that Land Use District.)
(Mr. Grosshuesch: A Development Agreement allows for a plan out of compliance with the Town Code, and it could potentially exempt the negative points for being over the recommended density.) (Mr. Truckey: Under Policy 3/R, you get negative points for exceeding density, and it is then calculated with a multiplier. For this application, you can weigh in on the rest of the project, essentially a fit test, so the Town Council can decide on the below ground density.)
- Mr. Lamb: It fits the site. Plenty of parking. I like the vertical barnwood siding. There is lots of precedence for it. Good project. Front set back should line up with the Ready Paint Fire [Jenni Exchange Condo] building.
- Mr. Schuman: I agree with the vertical barn wood siding. It fits. Good looking building. Setback needs to meet the code, and then it is not an issue we need to discuss. I appreciate the Cottonwood trees.
- Ms. Dudney: I agree with the other Commissioners. I'll await staff's analysis on the setback. I like the vertical barn wood siding.
- Mr. Giller: The vertical barn wood siding is good. I support basement density. Could use more glazing on the front.
- Mr. Schroder: I agree with the other Commissioner comments. I like the vertical barn wood siding and that it is different sizes. The design speaks to the modern building.
- Mr. Gerard: I agree with the Commission as well. It fits the setting. If we can come up with a way to look at the residential set back and commercial setback separately and apply both, I would support that. They should line up with the Ready Paint Fire building. I like the material

choices. It mimics what would happen on a historic house.
Ms. Leidal: Great design. Fits on the site. I support vertical barnwood siding because we are in a transition character area. I support staff analysis and would like to see research on the setbacks.

WORK SESSIONS:

1. Comprehensive Code Amendments

Mr. Truckey presented proposed code amendments, which have been worked on and reviewed by the Comprehensive Code Amendments Steering Group.

Mr. Truckey: Went over a few of the highlights of the proposed code changes:

- Encouragement for attractive detention facilities.
- Policy 33R will have significant changes. When the HERS index was first developed around 2008, a base home built to code had a 100 HERS score. Now the typical home built to today's energy code comes in at 70 or 75 HERS, so most projects would qualify for positive points. We propose to resolve that by requiring a percentage increase in energy efficiency attained over the typical home built to code. A table has been added for clarify precedence for points on heated outdoor spaces and water features. An additional point will be available for projects built solar and electric vehicle ready.
- Temporary structure change so that renewals of permits are only allowed if they comply with the Code's architectural standards.
- Changed Riverwalk improvement incentives (e.g., waived parking) so they only apply south of Ski Hill Road.
- A new section is added under Policy 43 Public Art outlining requirements for murals outside the Conservation District.
- Parking Requirement Changes: Broke out industrial into manufacturing vs. warehouse. Altered gas and convenience stores. Added requirement for grocery stores outside of historic district (there previously was no standard).

Commissioner Questions/Comments:

Mr. Schuman: If the temporary structure changes and the sprung structure comes back for renewal will they will have to make changes to comply with architecture? (Mr. Truckey: Yes if they come back)

Mr. Schroder: The Beaver Run summer tent is forever? (Mr. Kulick: It is a seasonal tent and is exempt.)

Ms Dudney: On Golden Age Dr. there was a snow fence went up to block windrifts from a hot tub and it has never come down. Can you include a discussion about snow fences for the future—perhaps we could allow in certain situations? I think the parking ratios are good.

Mr. Schroder: Policy 43, can it be crafted as less of the eye of the beholder. Technical proficiency of the artist doesn't seem sound. It seems wide open. (Mr. Truckey: That is why we included the Art Commission approval. They are the experts on this.)

Mr. Giller: 33R energy conservation should also address and apply to a complete rehab.

Ms. Leidal: 34B Erosion, we should add that sediment should not flow off properties onto right of ways also. I see landscape walls and fences on residential land but the changes do not speak to commercial. For example, screening and fencing of outside storage, etc. at Airport Road commercial uses should be allowed. Parking for accessory apartment should be include in conservation district as well (Mr. Kulick: This gets a little tricky because it is based on a ratio to square feet in the district).

OTHER MATTERS:

1. Town Council Summary (Memo Only)

ADJOURNMENT:

The meeting was adjourned at 8:40 pm.

Christie Mathews-Leidal, Chair