

PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Giller.

ROLL CALL

Christie Mathews-Leidal
Mike Giller
Dan Schroder

Jim Lamb
Steve Gerard
Lowell Moore

Ron Schuman

APPROVAL OF MINUTES

With the below changes, the June 18, 2019 Planning Commission Minutes were approved.

Ms. Leidal: At the bottom of the second page, concerned with the southbound traffic from Frisco blocking the northbound traffic turning or going straight.

APPROVAL OF AGENDA

With no changes, the July 2, 2019 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

WORK SESSIONS:

1. Land Use District #45 Huron Landing Apartments, Kenington Place Townhomes, Land Use District Map Amendments; 157 Huron Rd. & 213-277 Huron Rd.

Mr. LaChance presented a proposal to create a new Land Use District, #45, to encompass Huron Landing Apartments (which was annexed into the Town in 2015), and Kenington Place Townhomes (effective July 4, 2019) and to amend the Land Use District Map accordingly. Mr. LaChance passed out revisions to the Land Use Guideline document. The following specific questions were asked of the Commission:

1. Does the Commission have any concerns with leaving approximately 1.78 UPA of density for Huron Landing, Lot 1, and approximately 0.16 UPA of density for Kenington Place Townhomes?
2. Does the Commission have any concerns regarding the proposed Land Use District #45 Guidelines or Land Use District Map amendments?

Commissioner Questions / Comments:

Mr. Moore: Regarding the remaining density, can it be used by the current owners or is that if someone else purchases? (Mr. LaChance: It could be used by either. In a townhome project like Kenington where there is General Common Element, any new density would have to be approved by the HOA Board.)

Ms. Leidal: It seems like we're creating a new LUD specifically for these two workforce projects. We are writing the guidelines to acknowledge what's there. I'm worried about unanticipated consequences. Should we say workforce housing so when others are annexed they don't expect a tailor made LUD for their conditions? (Mr. LaChance: Regarding the current LUD 7, we discussed with the Town Attorney and he feels LUD 7 should have allowed for the existing development. Currently, it is zone for single family use at 7 Units Per Acre, which the existing development does not conform to. When Town Council reviews this, Tim Berry has prepared a finding that states that the existing zoning was found to be an error because it does not allow the existing development to conform, which addresses any up-zoning issue with the Comprehensive Plan.)

Mr. Giller opened the work session for public comments. There were none, and public comment was closed.

Commissioner Questions / Comments:

- Mr. Schuman: Was there any indication of sunsetting that density, or was it considered? (Mr. LaChance: No.) Mr. Schuman: Sunsetting would lock in that cap.
- Ms. Leidal: I'm ok with leaving a little density on the table, in case maintenance or other minor buildings need it. (Mr. LaChance: That was exactly staff's intent.)
- Mr. Schuman: I think it's a good plan.
- Mr. Lamb: I like the idea of leaving the density. If you sunset the density they can't do minor things. It's there for possible use.
- Mr. Moore: Christie thank you for explaining what it could be used for. I agree, I think it's appropriate.
- Ms. Leidal: I'm comfortable with density. I would suggest adding workforce housing as the recommended use.
- Mr. Schroder: I don't have any concerns.
- Mr. Gerard: I agree, it's a good time to clean it up. It's a different use than the neighbors and I think it's fine to leave the density. I think that it's workforce housing makes sense.
- Mr. Giller: I agree and have no concerns. But I would add workforce housing as the recommended use. (Ms. Puester: Kenington doesn't meet our definition of workforce housing.)
- Mr. Grosshuesch: Kenington is only restricted from short term rentals, it's an older deed restriction.

Project was supported by the Commission.

2. Southside Estates Lot 2 Envelope Modification, PL-2019-0197, 112 Southside Drive

Mr. Lott presented a proposal to modify and relocate a building envelope in Southside Estates to accommodate a design for a new single family residence. Two other envelopes in this subdivision have been modified within the past year. (Mr. Lott handed out building envelope modifications approved for the other two lots in the subdivision.) The following specific questions were asked of the Commission:

1. Does the Commission support an envelope modification that is specific to a building footprint even though the size of the envelope is generally not changing?
2. Does the Commission want to see less of the driveway fall outside of the envelope, especially on the side yard side of the structure?
3. Does the Commission have any additional comments or concerns about the proposal?

Commissioner Questions / Comments:

- Mr. Schuman: Do you have something that shows the modified lots from last year on one page? (Mr. Lott: Not a plat that shows all of them, only with the originals.) (Ms. Puester: They file separately when this is done so we don't see the entirety of the subdivision when it is recorded.) Mr. Lott pulled up the original subdivision plat in its entirety on the screen for the Commission (prior to any modification).
- Ms. Leidal: Originally Southside Estates had building envelopes. Your proposed notes say that this would go to a disturbance envelope to meet the new code language. So when others modified from building envelopes to site disturbance envelopes, did they increase in size? (Mr. Lott: No, same size.) Ms. Leidal: There's a lot more site disturbance shown outside the envelope on this site plan. (Mr. Lott pulled up the preliminary landscape plan.) I'm saying there's much more site disturbance that will have to take place beyond that building. There's grading on the north and southwest and that's outside the proposed envelope. (Ms. Puester: We have not reviewed the site plan yet. It has not been submitted to staff as an application. This is a draft provided by BHH for the purpose of this envelope modification discussion. They will have to modify the grading to meet code.) Ms. Leidal: So the proposed building envelope will become the proposed disturbance envelope? (Mr. Lott: Yes, to meet current code.)
- Mr. Schroder: It seems like there would be more disturbance to me if we left it because there would have

to be a longer driveway. My thought was that it seems like it would be a good idea if the driveway remained where it is. (Mr. Lott: We don't know what that design would look like based on the topography.) Mr. Schroder: Envelopes have been moved twice prior in this subdivision so I do not believe that precedent wouldn't be an issue. What about the reshaping?

Mark Hogan, Architect, Presented:

I represent the Salmons. I want to thank the staff for their time and help. Some of the things that were discussed aren't exactly correct. The existing subdivision was set up with building envelopes. When Jon Brownson did Lot 3, he said to staff he didn't want to make his building envelope into a disturbance envelope but went along with it, setting the precedent. If you take the perimeter of the original, as a building envelope, we could grade outside of the envelope so with a disturbance envelope, we are getting rid of an additional 2,000 sq. ft. The net effect is reducing the disturbance. There are precedents that have been set, recently for Lot 4, for a reconfiguration of their home. As Jeremy mentioned, the envelope on Lot 3 was changed. There's probably been 15-20 envelopes modified in the Highlands over the years. For everything from additions, fire pits, pergolas, a lot of things. One of the criteria in the Highlands, is to obtain the approval of the neighbors. We have full approval obtained in writing from all the neighbors and the board has approved this. We've tried to keep the house as small as they are comfortable with, but it's an expensive lot so they want to have a nice large home. The other reason we looked at moving the envelope, we reduce the visibility of the home and it's further from the ice rink. The clients were concerned about the noise. By moving it south it reduces the visibility. If you look at the site, the new envelope is less visible (referring to the site plan on screen). One of the goals was to keep the home more private. I spent some time on the ice rink site and you can hear activity. For the driveway, if you look at the topo, the existing envelope is about 10' higher than the access roadway. We wanted the new envelope on a flatter portion of the site. We will make sure there is no grading outside the disturbance envelope. The plans now are final and we still need to obtain a development permit. The new location is a lot better. This driveway is about 3,500 sq. ft. outside the envelope but isn't a lot compared to many driveways in the Highlands. In the Highlands, the driveways are outside most of the envelopes. There is a lot of precedent about driveways and size. We originally had the driveway coming in and was longer, but we did reduce it at the suggestion of staff. Jeremy asked us to get rid of some space in front of garage, but the owners wanted space for a loop. If we look at the envelope shape, you can see it's generally the same shape. We gerrymandered the envelope to fit our design. We feel that the envelope is generally the same. We appreciate you giving us the nod so we can continue to work on the plans. We will work diligently with staff. I again want to thank the staff and they are great to work with.

Ms. Leidal: Honestly, I'm concerned with the amount of paving in the looped driveway. Can you pull in the grading more? (Mr. Hogan: The boulder wall? Yes, we could extend that to reduce grading. We were trying to soften the grades for snow stacking but we can work on that.) Ms. Leidal: I think it would help. I think when your site plan comes in you will be assessed negative points for that otherwise. I appreciate it's a big house, but you're also pushing the driveway and disturbance by the size of the home.

Mr. Giller: You spoke to there being less impact, but it seems to have more north-south axis. Would this house fit in the existing envelope? So the result is a long west elevation. Which site is higher? (Mr. Hogan: The proposed site is higher.) Mr. Giller: You really have drawn the house out. Within the code and the subdivision, there is plenty to work with. The house is big, bigger west elevation, it's higher, and you're asking for more paved space for the driveway. (Mr. Hogan: You think the house is too big?) Mr. Giller: I think it could lie lighter on the land and be more compliant with code and subdivision. (Mr. Hogan: We can show you more, and work on the driveway if you're uncomfortable.)

Mr. Giller opened the work session for public comment. There were none and public comment was closed.

- Mr. Gerard: I think this is horrible precedent. With all due respect, I don't think others are modifying envelopes anything like this. When a subdivision is done, they're set. If we start down this road, disturbance envelopes mean nothing anymore and we are starting down a very dangerous path. I don't care how large the house is, but being able to tailor the envelope you are allowing them the maximum size house that will fit. I just see a lot of problems. I'm not in favor of moving the envelope and I think it's bad precedent.
- Mr. Schroder: Similar comments to Mr. Gerard. I appreciate the comparison. The amount of disturbance is concerning. I would appreciate seeing a revised plan and I'm not really in favor of moving the envelope. I don't support it. I would like to see less driveway outside the envelope.
- Ms. Leidal: I agree, I don't support modifying the proposed envelope tonight. I'm very concerned about the precedent this will set. My husband and I have built two houses in town and we built based on envelopes. Hearing that they can just be moved doesn't seem right. I'm concerned with the amount of paving and the circular driveway and the amount of disturbance associated with the driveway. I'd be in favor of continuing this if you want to come back with more info.
- Mr. Schuman: I think the idea of moving the envelope isn't bad and doesn't necessarily set a bad precedent. This was platted in 2003 and a lot of design and building methods and expectations have changed. I think the envelope was put in by a planner, not an architect. I don't think there's anything wrong with having someone else look at it and I trust our staff planners to do a good job. I think it's a similar size, and I'm anxious to see more on this project. I'm not necessarily opposed. I would like to see less driveway, but the fact that in 2003 there is a note that says it needs to follow the contours is a good design. And the driveway has already been reduced. I'm ok with it. This is a large property so the disturbance envelope might not be too bad. Yes to both questions.
- Mr. Lamb: I think the precedent has already been set with the other two envelopes in the subdivision. It's not a radical movement. This isn't in the historic district and it's a big lot that can handle a lot. I see this as a light modification it is appropriate and does reduce disturbance from the driveway. The driveway is where it needs to be. I would like to see a 3D rendering. I'm generally ok with it. Number one yes, number two yes.
- Mr. Moore: I would say in looking at the notes, I'm not sure it's consistent with what was provided when the sub was set up. Original envelopes were designed based on the person who set it up. This is a big move compared to the other lots. I too would like to see the 3D rendering and would be willing to look at it. It does seem like a lot of disturbance. I do not support the modification. I'd like to see less driveway outside the envelope.
- Mr. Giller: I think this design really pushes it. There's about 20 ft. of drop and it manipulates the envelope to get maximum western exposure, all those are causes for concern. I think staff was right that it was potentially a bad precedent and a slippery slope. I know it's a nice lot and home but I think they need to work within code and requirements. A modest adjustment would be more appropriate here. These problems here are driven by an ambitious program. Question 1, no. Question 2, I would like to see less driveway outside the envelope.
- Mr. Hogan: Should we come back for another work session? (Ms. Puester: Right now you're looking at 4 against the proposal. The process will depend on what you propose next. If you come back with revisions and staff still isn't comfortable, we would bring it back to a work session.)

OTHER MATTERS:

1. Town Council Summary (Memo Only)

This is the last meeting with Peter Grosshuesch as the Director of Community Development. I think he's

done a great job and if one considers how well Breck has grown you have a lot to be proud of. We would like to bring you back at a future meeting so that we can properly send you off and give you some grief when Mark gets back.

Mr. Grosshuesch: Yes thank you. It's been a good run. It's fitting that Mark (Hogan) would have the last project on my watch because I think he had the first one too.

ADJOURNMENT:

The meeting was adjourned at 6:37 pm.

Mike Giller, Chair