

PLANNING COMMISSION MEETING

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

ROLL CALL

Christie Mathews-Leidal
Mike Giller
Dan Schroder

Jim Lamb - Absent
Steve Gerard
Lowell Moore

Ron Schuman

APPROVAL OF MINUTES

With no changes, the March 3, 2020 Planning Commission Minutes were approved.

APPROVAL OF AGENDA

With no changes, the March 17, 2020 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

WORK SESSIONS:

1. Housing Policy 24R

Ms. Rex presented an overview of proposed revisions to Policy 24A/R regarding Social Community. The Commissioners were asked for their feedback. The following specific questions were asked of the Commission:

1. Does the Planning Commission support allowing a 10% density bonus for commercial and residential projects that mitigate 25% of their housing requirement on-site? Currently, this is allowed for residential projects for employee housing, but not for commercial projects (with a recent code change).
2. Does the Commission have any additional comments or concerns?

Commissioner Questions / Comments:

Mr. Schroder: It seems to make sense and is important to mitigate employee generation. 35% is a great number to use. I support onsite at 25%. I support positive points beyond 35%. The strikethrough was a little confusing. I support as presented. (Ms. Rex: Were you supportive of the 10% for commercial and residential bonus?) Yes, I support the bonus.

Mr. Schuman: I like the 35%, better than 65% or 25%. Support onsite 25%. This is really challenging but what you propose is really good. I support the onsite bonus.

Mr. Giller: Good analysis. Is it comparable with other ski towns? Support 10% bonus for onsite, 25% and 35%. How do we address short-term rentals? (Ms. Rex: Since short-term rental is not a use per the Development Code we cannot tie it to that.)

Mr. Gerard: I support 10% density bonus for commercial. On page 14. Fig. 1. Speak to kinds of units, should be clarified to rooms or units. On page 16. Second paragraph, definition of employee unit, should be descriptive of depth (Ms. Rex: We will clarify that definition.) Page 20. Employee generation? I agree with 35% for mitigation. I think the points for increased mitigation are good, will incentivize mitigation.

Ms. Leidal: I agree we need more workforce housing. I support 10% bonus for commercial onsite. How will this policy work in relation to Policy 2 Land Use? such as in a land use district like Airport Road (where residential would receive negative points). We should not assess negative points for residential land use when it is required for mitigation. What is counted for floor area? You will need to clarify that. Page 20. Is the 350 sq. ft. only living area or is it garage and storage. Page 26, section A.3. This section is no longer applicable because we are getting rid of that table. Policy 24R. Section A. I don't believe they should count

accessory units for points offsite. We should require all materials to be submitted electronically.

Mr. Gerard opened the work session for public comment. There were none and comments were closed.

CONSENT CALENDAR:

1. Beaver Run Summer Conference Tents (LS), 620 Village Rd, PL-2020-0036

With no call-ups, the Consent Calendar was approved as presented.

PRELIMINARY HEARINGS:

1. New West Plaza (AKA Breck Central Market) (JL), 190 Stan Miller Drive, PL-2020-0044

Mr. Lott presented a proposal to construct a 12,595 sq. ft. commercial building containing 2,554 sq. ft. of office and 9,419 sq. ft. of commercial. The proposal includes 41 new parking spaces and an easement for a future connection to the Blue River Rec Path.

2. Placer Flats Master Plan Amendment (JL), 190 Stan Miller Drive, PL-2020-0045

Mr. Lott presented a proposal to modify the existing Placer Flats Master Plan to change language to increase the number of separate businesses allowed in one building.

Staff has the following questions for the Commission:

1. Does the Commission support positive six (+6) points for the construction of the trail and associated improvements?
2. Does the Commission agree with allowing the parking to encroach slightly into the open space setback?
3. Does the Commission support the proposed architecture as required by the Master Plan? If not, does the Commission support a modification to the Master Plan?
4. Does the Commission agree with the preliminary points analysis?

The two items were combined into one presentation because the projects are related to each other.

Commissioner Questions:

Mr. Leidal: I have four questions. 1. How much total SFEs will we have on lots 1 & 2? (Mr. Lott: 40.5 SFEs) We should modify language of the Master Plan so there is no conflict with the 40 SFE maximum. 2. What is the head height in the crawl space? (Mr. Lott: I am not sure of that, but that could be a question for the architect.) 3. Do the other properties along highway 9 have buried power lines? (Mr. Lott: The town is planning to bury the lines at the Water Treatment Plant, to the south and along the McCain property. In some parts of town there are lines that go in and out of the ground between properties.) 3. Are the applicants asking for a parking reduction and using offsite parking? (Mr. Lott: A plat note exists that allows additional parking to be dedicated for Lot 2 within Lot 1. We are working with the applicant on this. They are not requesting to reduce parking.)

Mr. Schroder: Under Architectural Compatibility in the Master Plan, it encourages American West architecture, what was the intent of this note? (Mr. Lott: We can research this but staff is unsure at this time.)

Mr. Moore: My main concern is architecture because the proposal is modern. I checked out the site today and noticed the water plant and BBC have a more western architectural theme.

Mr. Giller: Please bring up the Pg. 59 concept rendering. Can you speak to the amount of glass on this elevation? (Mr. Lott: American West architecture does not typically have this much glass.) (Ms. Puester: We do not have a definition for western architecture, it is up to interpretation of the Planning Commission.) I have concerns with the curtain glass that goes to the ground.

- It could be raised a couple feet off the ground.
- Mr. Schuman: I have concerns with the architecture. Did staff recommend to change the Master Plan, are you comfortable with this change? (Mr. Lott: We are asking for feedback from the Commission on this since there are no definitions of these items in the code or existing master plan.) (Ms. Puester: Since they are already making changes to the Master Plan, if the Commission supports the design, you can suggest modifying the Master Plan note to better fit this.)
- Mr. Gerard: I like the concept of the rec path and can support +6 points but will it dump users on Stan Miller Drive? (Ms. Puester explained the future rec path alignment.)

Lindsay Newman, Norris Design presented:

This project includes food and beverage market and office space. It will be unique in Breckenridge. Ideally situated to future development sites, McCain and Stan Miller subs. Design transitions from the water plant to the BBC. The project will be inviting from the rec path. An elevator provides ADA access to the roof deck for all guests.

Mark Provino, Provino Architecture:

Project will serve as a central meeting point. I tried to design a building with a strong sense of place with a human scale. We have focused on the western and southern exposure with an inside/outside design. I have taken a non-literal approach to the architectural notes by blending traditional materials and forms in a modern building. We wanted to have a lot of transparency in the project. Pertaining to Christie's question the crawl space is 4' 11", the basement is 8'0" in height. I looked at other similar projects in larger buildings in Denver and tried to utilize similar designs, including the amount of glass at the Denver Central Market.

- Ms. Leidal: Thanks for the clarification on crawl space height.
- Mr. Giller: The Denver central market has nice glass but it does not go down to ground as there is a brick base at the bottom.

Mr. Gerard opened the New West Plaza (AKA Breck Central Market) (JL), 190 Stan Miller Drive, PL-2020-0044 for public comment.

Mr. Lee Edwards, 180 Airport Road:

Lot 2 was intended to support the Breckenridge Building Center (BBC) and the trade community. This concept is a 180 from that concept. There are two examples of New Western architecture directly adjacent to the project. Sharing a driveway is good but the BBC is already busy and the dumpster location will back up traffic on Stan Miller Drive. The driveway design will not be conducive to truck deliveries to the BBC. Do not over park the site. Most likely the BBC and the project will have opposite peak hours. What happens if the market concept does not work? Could it be a grocery store or some other use? Will it be condominimized?

Mr. Gerard closed public comment the New West Plaza (AKA Breck Central Market) (JL), 190 Stan Miller Drive, PL-2020-0044; and opened Public Comment Placer Flats Master Plan Amendment (JL), 190 Stan Miller Drive, PL-2020-0045.

Mr. Lee Edwards, 180 Airport Road:

We should put in other potential uses in the Master Plan to make sure its what we want to see.

With no additional public comment, the public comment on Placer Flats Master Plan Amendment (JL), 190 Stan Miller Drive, PL-2020-0045 was closed.

Commissioner Comments:

- Ms. Leidal: 1. A lot of the rec path is offsite and precedent from Huron Landing was only +3 points.

Paving should be included based on that project. 2. Yes. 3. Does not meet architectural language. Does not meet gable provisions. Does not feature thick shingles. Does not meet Policy 5/R as it is too dissimilar. 4. Agree with points with exception of Policy 3 due to Master Plan that stipulates max of 40 SFEs and that should be modified. I am concerned with Policy 18 due to offsite parking and we would need a finding for this project. We would also need a parking study to justify a reduction in parking. If we amend the master plan, we should amend everything that is not compliant.

Mr. Schroder: 1. Support +3 points and am open to +6 if path improvements are constructed. A new trail alignment would improve safety at the roundabout. 2. Okay with encroachment of parking. 3. I do not believe it meets language. Master Plan language would need to be amended but I feel that the architecture is different from adjacent buildings. 4. Agree with point analysis. I support getting rid of four business limitation within the Master Plan.

Mr. Moore: 1. I support +3 or more. 2. Okay with the parking encroachment. 3. Does not meet mountain west architecture. There should be gables. 4. I agree with the preliminary point analysis. I'm okay with the amount of uses. There should be some notation of use within the Master Plan language. Will this project be condominiumized?

Mr. Giller: 1. I support +3, potentially +6 if path is constructed. 2. Okay 3. Too much glass and shed roofs are tall at the end the building. Support modifying the architectural language but not to the extent of what is proposed in the current architecture. 4. I agree. I support removing language limiting buildings to four businesses. Good start, need to see again.

Mr. Schuman: 1. +3 not sure how valuable the connection is. 2. Not in favor of parking encroaching into open space 3. Too much glass on the project and I think it does not comply with the Master Plan language. The SFEs being transferred to the site is a problem. 4. Agree with preliminary point analysis. Disappointed with the amount of energy use proposed with heated space and this path connects to a net zero residential project, ironic. Lee's comments about dumpster are valid. This site has too much programming. On the Master Plan Modification, I support getting rid of the four business maximum. It frustrates me we are changing the Master Plan to accommodate a development that overwhelms the site. This needs a second preliminary before going to Final.

Mr. Gerard: 1. Support +3 points, the trail is an incredible public asset. 2. I am okay with the slight encroachment. We should have a recorded agreement pertaining to parking and access. 3. I like the building but it does not meet with what was contemplated onsite. Does not fit between the Building Center and Water plant. We need to look at all existing and proposed architecture, including what the McCain Master Plan states. 4. This is ready for needs another review before final. I agree with prelim point analysis. I agree with eliminating 4 business maximum in the Master Plan. We need to modify several sections of the Master Plan not just the limitations on the number of businesses.

TOWN PROJECTS:

1. Milne/McNamara House and Eberlein House Restoration, Relocation, and Site Modifications (CL), 102 N. Harris Street, PL-2020-0037

Mr. LaChance presented a proposal by the Breckenridge Heritage Alliance (BHA) to restore the historic Milne House which includes a new foundation and installation of a basement, relocation and restoration of the historic Eberlein House which includes a new foundation, outhouse relocation and restoration, installation of parking along the rear alley, new concrete steps and walkways, ADA accessibility, tree removal, landscaping, drainage modifications, and utility installations.

Commissioner Questions:

Ms. Leidal: I have four questions. 1. Previously I thought we counted enclosed secondary buildings in density. The outhouse square footage is not included, so please include that in the staff report for the Town Council. 2. The staff report mentions an arborist letter is required for tree

removal. (Mr. LaChance: Thanks for pointing that out. We have not received that yet but we are going to get an arborist evaluation. We tend toward not imposing conditions on ourselves for Town Projects, but I will make sure it happens before any trees are removed.) 3. Sheet A-3 shows heated outdoor sidewalk. Should we include a discussion of Policy 33R in the staff report? (Mr. LaChance: Heated sidewalks were removed from the scope of work and the site plan, so the note references heated sidewalks in small print on the elevations must have been accidentally not removed but it should be. I just missed that note in fine print.) 4. I understand SHPO recommendation is not binding but we should consult them. Similar to a traffic study.

Mr. Schroder: No questions.

Mr. Moore: I don't have any questions. All issues have been resolved.

Mr. Giller: I wanted to go through the drawings. Is the front door of the Eberline being lost? (Mr. LaChance: It is being replaced.) It is a loss of historic fabric. Are we losing 3 of the 5 historic windows? (Mr. LaChance: Yes, windows are proposed to be replaced, but the window openings are proposed to remain the same.) Windows and doors are character defining features. In regards to the interior, are we losing the floor? (Mr. LaChance: The plans specify it is being replaced with concrete.) Is the interior ceiling being lost? (Mr. LaChance: Yes, regarding interior work, I will defer to the architect to answer questions regarding interior work. As I mentioned in the staff report, staff does not review interior modifications.) Are we losing the interior wall and wall paper? (Mr. LaChance: To be consistent, I will defer to the architect to answer that because it is interior and our code does not apply.) Are we losing the interior millwork? (Mr. LaChance: Again, I will defer to architect because it is interior.) I support the BHA's interpretation of the home, but I find it odd we are losing so much to interpret it.

Mr. Schuman: No questions.

Mr. Gerard: No questions at this time.

Janet Sutterley, Architect:

I do not have a presentation but will answer questions. To address Christie's questions. Anywhere we have concrete sidewalks we have labeled them for future heated use, because that has not been approved by Council for phase 1. But we do have to put the tubing in now which is why it's called out on the plans. We did not count the outhouse in any of the square footage calculations. Addressing Mr. Giller's questions, the front door is not original, so it's not losing historic fabric. The two south side windows on Eberlein, we are replacing with wood windows. Neither window is original. You can tell this by the glass. The two windows we are planning to restore are on the west side. They are both single pane glass. We are not losing any historic fabric on the outside of this building. In regards to interior, anyone who was on the site visit knows the building is already gutted down to the framing. My interpretation of the SOI standards is that you give an old structure new life. There's no millwork in there currently. We are talking about saving some wallpaper. The ceiling is coming out, but we are reusing that fabric as interior finish throughout. We are removing one interior wall but no other structure. We are not doing demolition work. I want to address some of the comments from the work session regarding SHPO and losing ratings. I personally went through all eight of the projects that got pulled, and none of them were downgraded due to interior work. One project that got downgraded for being moved was the Judge Silverthorn House, but Eberlein has already been moved to this site in 1989 so that is not an issue. We are not changing the character of the Milne House, there are very little changes proposed. I don't think there's any concern with SHPO. The site plan went through a very thorough review by Town of Breckenridge Engineering since the work session to conform with their rules and regulations, including the parking spaces and setbacks from the alley. Thanks Chapin for a thorough and concise staff report.

Larissa O'Neil, Breckenridge Heritage Alliance:

We are satisfied with the point analysis and the changes to the project. Preserving these homes is our top priority. We've worked with Janet to be sure the project meets the SOI standards for historic preservation. Sadly, we don't have much historic fabric from the interior of either of the buildings. The Milne house went through a

remodel in 1992 and all of the historic wall coverings were taken down. We do have the historic newspaper in two of the rooms. Eberlein does not have much left of the interior, before it came to the park it was a TV repair shop on Main Street. What you see in there is representative of what was left from its time as a TV repair shop in the 1980s. We are really trying to enhance the interpretation of the park. We want to honor the families that lived there and the park's history. We're not talking about a traditional house-museum restoration for either of these buildings. We talked with our board about whether or not we should try to bring Eberlein back to how it looked in the late 1870s but again we don't have anything that represents the families. But there will be interpretive signs throughout the park. We feel it is important to have a presence in the park. We are talking about bringing 3 full time staff members to the park and one part time to support the park. In the last couple years we had water damage to buildings because we were not there for several weeks. Having a presence helps support maintenance and programs that we have in the park.

Mr. LaChance: We will either need to remove the heated sidewalk notation or change the point analysis, need to have the applicant weigh in on that.

The hearing was opened for public comments.

Mr. Lee Edwards, 103 North High Street:

Who is not in attendance? (Mr. Gerard: Mr. Lamb is not in attendance.) Please note my comments are directed to the Town Council. LUD 17 has no mention of institutional uses. It was never stated there would be a use other than residential in this area. Tim Berry saying this is an institutional use is a pure smokescreen. This is a residential area, not an office park. When the property was deeded to the Town it was to be used as a park. I understand things change. There are 7 SFRs that come in off this alley. This is not a commercial area or an office area. I appreciate how we're trying to use the buildings and make them part of the community. There are children that use that alley all that time to play. We have to consider what happens in a neighborhood. This is changing the use, it is not a park anymore. I totally disagree that building does not have any interior fabric, it certainly does. Town should contact SHPO on the interior. I know for a fact that historic preservation tax credits have been denied in town elsewhere because the interiors have been gutted, I was specifically told by SHPO. Doma 1898 and the Tony Harris House no longer qualify regardless of the exterior because of the interior. Using Eberlein for a public restroom and flex space makes no sense when the Community Center is across the street. Why introduce another competing use in a residential neighborhood? My suggestion is minimize parking, create two spaces. Leave the interior. Use cabin as additional storage. And use parking and bathrooms at the community center across the street.

With no additional comments, the public comment was closed.

Commissioner Comments / Questions:

Ms. Leidal: I appreciate the presentations, comments and reports. I'm excited about most of the improvements but I'm worried we could be unintentionally causing harm to the buildings and their historic ratings. I'm disappointed we didn't speak to SHPO about the interior. I walked away from the previous meeting thinking they have the expertise and we have an opportunity to get more information and possibly modify if we need to. In some cases interior can be more important than the exterior. I know our historic design standards don't regulate the interior, but I had hoped for more information even though we don't regulate it.

Mr. Schroder: I support the passing point analysis and recommend it go to Town Council for their review.

Mr. Moore: I agree with Christie. I agree with Tim Berry's interpretation for institutional use. Support referring to Town Council as presented.

Mr. Giller: Thank you Chapin, Larissa, and Janet. I take issue with much of what was said. The Secretary of the Interior states most properties change over time but those changes should be preserved. So the changes over time to the windows and doors should be saved. The floor, ceiling, and

- finishes should be included. I know the BHA issued an RFP for the interpretive planner, and that picture shows significant interior fabric. The project demolishes the interior fabric of the house. I'm disappointed. Cannot support the project.
- Mr. Schuman: I'm disappointed SHPO wasn't consulted. Christie and Mike pointed out significant issues with the project. I don't support as presented.
- Mr. Gerard: I agree with Christie and Mike. SHPO should be consulted because we want guidance, not approval. We have a duty to protect what we have. I agree with the Town Attorney that it is an institutional use. If this was a private project we wouldn't be pushing our noses into the interior of the project. We should be making a greater effort to preserve the interiors.
- Mr. LaChance: We will need to hear from the applicant what they want to do in regards to the heated concrete note on the elevations. They could take up to -3 points of outdoor heated space, or remove the note on the elevations. I also want to be sure the Commission is aware that if we do apply Priority Design Standard 20 to the interior, it would be setting a precedent that would apply to future projects and private single family projects, for example. That precedent would not differentiate between Town Project or private use.
- Mr. Grosshuesch: On BHA Board, with regard to the heated sidewalks there is a provision in Policy 33R for heating high traffic areas. (Mr. Gerard: There is precedent for that when it's safety for the public in a high traffic area.) In regard to reviewing interior modifications, the Planning Commission does not have the authority to review interiors, we have never held other applicants to this standard, and I'm very concerned about the precedent this sets. (Mr. Gerard: In making my comments, we are not in the business of reviewing interiors or denying a project based on that. I was hoping the input from SHPO would help us make recommendations, and do not intend to set precedent.)
- Ms. Leidal: Can we continue the project to get more information? (Mr. LaChance: The Commission can make that motion if they so choose.) (Ms. Puester: I have concerns with setting precedent with reviewing the interiors, applying Priority Policy 20 to it. That was not the intent when we wrote it. Staff would recommend against the Commission going beyond our Code perview. I understand you want the opinion, but if you apply interiors to this project, it will set a precedent that we would need to apply to future projects whether they are public or private. Staff is very concerned with this interior review direction.)
- Mr. Schroder: Nothing further to add.
- Mr. Moore: Nothing further to add.
- Mr. Schuman: To Mr. Grosshuesch's point on Policy 33R, this is not a high traffic area. In regards to the interior does it matter that it is public or private? I don't have any desire to set precedent but it is public land so I think it's valid info for Council to consider.
- Mr. Gerard: Mr. Edwards comment in regards to tax credits is non-applicable because no one is seeking a tax credit. Everyone is on the record with his or her previous comments, no need to continue.
- Mr. LaChance: I have one final comment on the heated walkway note. Considering we've already opened and closed the public comment period, I would suggest we proceed with a condition that the note on the plans regarding heated sidewalk be removed prior to issuance of a Building Permit.

Mr. Schroder made a motion to recommend the Town Council approve the project along with a condition to remove the heated outdoor space note. Mr. Schuman seconded the motion. The motion received 3 votes for and 2 against (Mr. Giller, Mr. Schuman and Mr. Moore no, Mr. Schroeder and Mr. Gerard yes, Ms. Leidal-no vote). Mr. Schroder withdrew his motion for the purpose of additional discussion, prior to the final Commissioner's vote.

- Ms. Leidal: Can we have more discussion? Town Projects do not need our approval it is only a recommendation. (Ms. Puester: You are looking at a potential precedent here. Although the

Council has the ability to waive code sections, if not, public and private properties precedent cases are the same for review purposes.)

Mr. Schroder: Nothing to add.

Mr. Moore: Nothing to add.

Mr. Giller: One option to look at design that is in keeping with the Secretary's standards.

Mr. Gerard: If a project has a passing point analysis it should be passed. We can't fail it because we don't like it. (Ms. Puester: Trying to figure out. Are some Commissioners believing that it fails Priority Design Standard 20, so that could be a reason for a denial? Are you thinking its because of the interior?)

Mr. Schuman: I think the passing point analysis is incorrect because plans show a heated sidewalk and it fails Priority Design Standard 20, which is why I'm voting no.

Mr. Giller: If you demolish the character defining front door and 3 of the 5 windows, then that is quite a bit and might be reason to fail due to Priority Design Standard 20. Was there a historic structure report on this house? (Mr. LaChance: There is a cultural resource survey on file from 10 years ago.) (Ms. O'Neil: Yes, we have an assessment for Eberlein.) Those are helpful in projects like these.

Mr. Grosshuesch: I'm wondering if we should continue this. (Ms. Puester: I would like a continuance as well to get the Town Attorney's interpretation.)

Mr. Schroder: I withdraw my motion.

Ms. Puester: Are the applicants okay with a continuance? (Ms. O'Neil: It is not ideal but it's our best option.)

Mr. Moore made a motion to continue the hearing until April 7th, seconded by Ms. Leidal. The motion passed 6-0.

OTHER MATTERS:

1. Town Council Summary (Memo Only)

ADJOURNMENT:

The meeting was adjourned at 9:48 pm.

Steve Gerard, Chair