

PLANNING COMMISSION MEETING

THE MEETING WAS CALLED TO ORDER AT 7:00 P.M.

ROLL CALL

Dan Schroder
Leigh Girvin
Dave Pringle

Rodney Allen
JB Katz

Michael Bertaux
Jim Lamb

APPROVAL OF MINUTES

With no changes, the minutes of the May 19, 2009 Planning Commission meeting were approved unanimously (7-0).

APPROVAL OF AGENDA

With no changes, the June 2, 2009 Planning Commission agenda was approved unanimously (7-0).

CONSENT CALENDAR:

1. Ski Side Condos Solar (JP) PC#2009021, 1001 Grandview Drive
2. Johnson Residence (JP) PC#2009019, 1030 Four O'Clock Road

Ms. Girvin had a comment regarding the use of positive landscaping points to make up for excessive environmental disturbance, although she noted that it is allowed by code to do so. Mr. Allen noted that there is precedent for this. Ms. Girvin suggested that the code regarding positive and negative points be examined by the Commission at some point in the future, including how the code addresses the future maintenance of landscaping.

3. Budweiser Clydesdales Tent (CK) PC#2009022, 123 North Main Street

With no motions to call up, the consent calendar was approved as presented.

FINAL HEARINGS:

1. Silverthorne House Restoration, Landmarking and Site Plan (JP) PC#2007004, 300 North Main Street

Ms. Puester presented a proposal to construct one duplex building, one single family building, relocate and convert the existing barn to a deed restricted residential unit, move the Silverthorne House 20' west, add a parking area in the rear of the lot, install landscaping, remove the curb cut from Main Street, and install a new trash enclosure. The applicant also proposed to locally landmark the Silverthorne House and barn.

The application was last heard by the Planning Commission at a preliminary review on April 7, 2009. Since then, the applicant has proposed the following changes:

- The duplex roof pitch has been lowered from 12:12 to 10:12. This lowers the ridge height by more than 1 foot and lowers the mean roof height 10 inches, to 23'-0".
- The duplex siding has been changed from a 6" horizontal lap siding to 4" exposure (meets Priority Policy 183).
- The duplex siding color has been changed from yellow to maple.
- Detail has been added to the window well materials to be constructed of 8x8 pressure treated wood (unstained) for the barn, duplex and single family buildings.
- The single family building has additional siding sizing information of 1x8 board with 1x3 batten, at 8" on center rough sawn cedar.
- The historic barn has been altered to eliminate windows facing Main Street.
- The roof material on the historic barn and dumpster has been changed from Tamko asphalt shingle to metal Vintage Barnmaster (which is a naturally rusting metal roof).
- Snowmelt, trees and boulders have been added to the snow storage area east of the historic barn.
- The dumpster enclosure has been shifted east on the property to allow for a snow wind row.
- Grading has been altered slightly in the southwest corner to provide a better transition from the Edelweiss property to the south. Rock boulders will be added to assist in the grade change behind the new section of wrought iron fence (height varied 0"-2').
- Solar hot water panels are proposed to be located on the new single family structure.
- Solar PV panels have been removed from the Silverthorne House building.

- Additional landscaping has been added, including 2 balsam poplars, 2 spruce, and 1 aspen.
- The varied wood fence has been modified to be 3' high on the west, increase to 5' near the historic shed, and decrease to 3' further east toward the alleyway.

The application was advertised as a final hearing. Staff appreciated the changes made since the last application. The application appeared to pass a final point analysis which was included for Planning Commission review.

In addition to the questions posed in the staff report, Staff had specific questions on the following:

1. Did the scale of the duplex building meet the intent of Priority Policy 178?
2. Did the Commission find that Priority Policy 181 regarding the building height of the duplex was met?
3. Did the Commission find the proposed fence (height and spacing) acceptable?
4. Did the Commission support landmarking of the house and the barn?
5. Did the Commission support the final point analysis?

If the Commission found that the Silverthorne House Site Plan, Restoration and Landmarking met all absolute polices and supported the final point analysis, Staff recommended approval of PC#2007004. If a motion was made for approval, Staff requested that the Commission also make a recommendation to the Town Council for local landmarking of the Silverthorne house and barn.

Mr. Bobby Craig, Arapahoe Architects, presented for the Applicant, Mr. Dave Hartman. Mr. Craig was enthusiastic about the point analysis and the positive experience working with staff. Mr. Craig spoke first about building heights in relation to the properties located around the site. He discussed the perspective drawing and the building locations in relation to how the buildings will be viewed from the street. The applicant has worked to locate the buildings to mitigate the height. Mr. Craig spoke next about module size and relationship to square footage. The duplex building is 1,670 square feet, and the applicant isn't trying to link the two buildings. This makes the buildings smaller than a more massive building such as that approved for a restaurant on Ridge Street recently. Mr. Craig listed public benefits, such as creating an employee housing unit, a maintenance agreement for cleaning up the alley, future solar thermal and photovoltaic systems, snow stack area and heat system for the parking area away from the historic fabric; driveway cut removal from Main Street, and finally placing a historic structure in a true yard, away from a driveway. Regarding the yard, the applicant intends to use sod in the front of the building and seed in the middle and rear. The drainage flows to the north. The applicant is anxious to get started on the permit process. The applicant intends to get started immediately on the historic building and carriage barn and yard. Depending on the economic situation, the applicant may have to wait on the new residential buildings in the rear of the property. (Mr. Neubecker noted that during phasing the Commission may come across an issue with the paving of the parking area before construction begins on the new buildings.) Mr. Pringle noted that an additional condition of approval could be included that if all portions of the development are not completed, a certificate of occupancy could still be issued for the Silverthorne house and carriage barn, but the applicant would need to enter into an agreement with the town to complete the unfinished areas in a specific time frame, or other such clauses.

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

Commissioner Questions/Comments:

Mr. Bertaux: There are negative points assessed for lack of buffering on the rear of the site. The landscape material on the north side is grass? Is there drainage in this area? (Ms. Puester showed the plan, including grass, drywell, grading, window well locations, and drainage pattern.)

Final Comments: Happy with the final outcome of the project, especially with the Silverthorne house and the small single family structure off the alley. The parking heating system should be conditioned with phasing of the project. Supported the points for historic landmarking. Hoped that the solar and PV systems come back sometime in the future. (Mr. Hartman noted that it was his intention to complete those systems to offset the heated parking.) Was comfortable with the Priority Policies and appreciated the intent to mitigate the height and module size through location. Supported the project as it stands.

Mr. Lamb: Final Comments: Thought the project has come a long way. Supported the landmarking. Thought the fence was a good compromise. Was okay with Priority Policy 181, and okay with 178 but would like to note that for future project precedent that the module size is very important. This project is approved due to the mitigation with location of the rear buildings being screened by existing

buildings on and adjacent to the site and view perspectives as described by Staff. Okay with parking and other staff questions.

Mr. Schroder: There are 3 phases total for the project? (Mr. Craig: Yes.) (Ms. Puester briefly explained the phasing plan included in the packet.)

Final Comments: One concern was with the Policy 178 module size, and appreciated the applicant's efforts to mitigate the module size. Approve of those efforts. Policy 181 height was okay. Thought that the fence was a good compromise. Good with the points and landmarking.

Ms. Katz: Final Comments: Thought everything looked good. Thank you.

Mr. Pringle: For the snow storage system, do they comply with the amount required? (Ms. Puester: Yes, with the heated area excluded from the square footage requirement.) The solar hot water system is 0 points for renewable energy? (Ms. Puester: Yes; no information or confirmation that the panels will be installed has been provided by the applicant.) It seems that the positive points are all being completed in the first phase which is a benefit upfront and no concerns there.

Final Comments: Congratulations for getting here, and thought we've come to a good spot. Appreciated what the applicant has done. Believed that priority policies have been met adequately. Liked the fence compromise. Agreed with landmarking for the house and barn and supported the final point analysis. Would like to add a Condition #35 as a condition prior to certificate of occupancy for the Silverthorne house and carriage barn, that if this development is phased, the applicant shall comply with a condition acceptable to the town staff or attorney that includes how and when any unfinished improvements such as the paved and heated parking shall be completed.

Ms. Girvin: Final Comments: Agreed to the points that staff have proposed. Supported the positive six (+6) points for historic preservation. Liked the way the heights and module size were mitigated, and appreciated Mr. Lamb's comments about Policy 178 that the module size was mitigated by the screening of the other buildings.

Mr. Allen: Since there are no points for solar hot water panels, does that then make it voluntary or are they required to do it? (Ms. Puester: It would be voluntary. They will enter into a snowmelt maintenance agreement for the heated paved system as the snow stack requirement and functionality rests on that. They don't need the points for the solar hot water panels to pass. The applicant can address their intentions further.) Mr. Allen: Can you please elaborate on the plumbing and electrical work credits given for restoration work that has already been done? How is it positive six (+6) points versus positive nine (+9)? (Ms. Puester: Points are based on this proposal, not what was done in the past.) (Mr. Neubecker: The relocation of the buildings also affected the points.)

Final Comments: Concurred with everyone's comments. Thank you for doing an affordable housing unit. The landscaping looks good. Supported staff's questions. Thought the applicant may have been able to get the positive nine (+9) points for historic preservation but supported the positive six (+6).

Mr. Pringle made a motion to approve the point analysis for the Silverthorne House Restoration, Landmarking and Site Plan, PC#2007004, 300 North Main Street. Mr. Bertaux seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to approve the Silverthorne House Restoration, Landmarking and Site Plan, PC#2007004, 300 North Main Street together with the findings and conditions that were included in the packet and added during the hearing, condition #35 that if this development is phased that the applicant shall submit to the staff or town attorney an agreement for approval that includes how and when any unfinished improvements shall be completed. Mr. Bertaux seconded, and the motion was carried unanimously (7-0).

Mr. Pringle made a motion to recommend that the Town Council locally landmark the Silverthorne house and barn. Mr. Bertaux seconded, and the motion was carried unanimously (7-0).

PRELIMINARY HEARINGS:

1. Entrada at Breckenridge Master Plan (MM) PC#2009024, 5-105 Huron Road (CR 450)

Mr. Mosher presented a proposal to master plan the property at Tract A and Tract B, Entrada at Breckenridge (pending annexation and resubdivision) into two office/commercial properties, one mini-storage property, and a tract to be transferred to the Town of Breckenridge for possible affordable housing or other uses as the Town sees appropriate. Mr. Mosher discussed transportation and traffic concerns and fencing.

The applicants have been working with Town staff during the annexation process to ensure the proposal abides with the Development Code in all possible ways. The Planning Department recommended this application return for a second review.

Mr. David Michel, applicant's attorney: Staff has done an outstanding job of helping us to get to a good product. The structures will be less imposing and the town tract will add great public benefits. If you look at the mini storage, the concern is the aesthetics. It is designed to not catch your eye, and I will discuss this more with the next phase. Mr. Michel noted that the traffic counts for storage units are very low once established.

Mr. Allen opened the hearing to public comment.

Barbara Campbell (owner in the Highlands, Lot 13, above the development): Due to beetle kill, we have lost nearly 300 trees and my view now looks towards the chain link fence below. Wanted to know the hours of operation because the sound resonates up the hill from the other mini-storage at all hours. Also asked to see a berm and/or heavily planted buffer with disease resistant plants. (Mr. Mosher: Would it be okay for staff and the applicant to visit your property and look at the views and concerns with you?) Yes. Also, at the neighboring mini storage near this project there are piles of diseased lumber being stored. Would there be restrictions as to what can be stored there? Is anything to be allowed to be stored outside like motor homes etc.? (Mr. Michel: There will be no outdoor storage allowed at this property.)

Bobby Craig (resident on County Road 450): Was in favor of this whole-heartedly. Drives and walks by it every day, and thought it was a good compromise for all of the parties. Previously thought it might be all developed as storage, and this is a good mix of uses with the development on the corner. Appreciated if those uses weren't a McDonalds or another 7-11. Would like the master plan to move forward quickly.

There was no additional public comment and the hearing was closed.

Commissioner Questions/Comments:

Mr. Bertaux: Do you think that there should be traffic concerns with the turning movements, especially the left turn into the site from County Road 450? (Mr. Mosher noted that this was discussed during staff review with engineering and the project met town traffic concerns.) Would an 8-foot fence be a problem? (Mr. Mosher: Height is needed for security and should blend into background. Should not be a problem with the design.) This will be better than what is there now. Would like to note that many tree species face pest issues, not just the Lodgepole Pine and the mountain pine beetle. Thought that the town attorney and developer need to work on the details of the possible uses for the Town tract and the restrictions on the commercial uses. Buffer the mini storage to the north to address the neighboring properties in the Highlands.

Mr. Lamb: This is very preliminary, and it is below the density that could be used in the County. Sensitive to the building materials, good layout, and it is on its way.

Mr. Schroder: Where is the nicer steel fence being located? (Mr. Mosher: The fence will be on the south, facing Huron Road and the west towards the Town Parcel. The north fence will be black chain link.) Supported the proposal for the master plan.

Ms. Katz: The proposed shared access point with Summit Ridge Center could benefit other adjacent properties, such as the Breck Inn? (Mr. Mosher: they are not included in the official agreement, but possibly yes.) Hoped that Ms. Campbell's comments can be addressed regarding berming to the greatest extent possible. Looks good.

Mr. Pringle: Do we need to expand or qualify the uses on the Town property? (Mr. Mosher: Per the current draft of the Annexation Agreement, the town can use the parcel as it sees fit. Any proposal would be reviewed by the Planning Commission. The density will be transferred from Town properties.) Should we memorialize, as part of the master plan, that there is no use either intended or prohibited and the town can use the property as it sees fit? (Mr. Michel: There are obligations in the draft annexation agreement with the applicant and the town.) Will it be noted in your covenants that there won't be any commercial uses in your storage? Will it be residential storage? (Mr. Michel: There aren't covenants. In the agreements it will be noted that it will be prohibited for people to run businesses from the storage unit.) (Mr. Mosher added that this can be addressed on the master plan

- notes too.) Didn't have any problems with the master plan but wanted to ensure that defining the uses in more detail would be included in the master plan. Hours of operation for the mini storage should also be addressed. This is likely the least obtrusive proposal that you can hope for on the site.
- Ms. Girvin: Had a question regarding the use-fit criteria. (Mr. Mosher: The area is Highway 9 commercial and professional offices, no retail.) (Mr. Allen: Can there be a restaurant?) (Mr. Mosher: No. No retail or tourist oriented development is proposed, just offices, banks, etc.) Have you done your market homework regarding mini storage, is there a real need? (Mr. Michel noted that the market study shows that mini storage is over 95% full in county and there is indeed a need.) Will it be large enough to store recreational equipment, such as boats? (Mr. Mosher: There will be a variety of sizes, not large enough for an RV. There will be no outdoor storage.) Agreed that the project is on track for what is proposed.
- Mr. Allen: Does the code address what is allowed in storage units? (Mr. Mosher: No, but the annexation agreement addresses this.) (Mr. Grossheusch: The Planning Commission can impose reasonable conditions.) This is in the right direction. No issues.

2. Entrada at Breckenridge Development (MM) PC#2009025, 5-105 Huron Road (CR 450)

Mr. Mosher presented a proposal to develop the property at Tract A and Tract B, Entrada at Breckenridge (pending annexation, master plan, and resubdivision) into two office/commercial buildings, three mini-storage buildings. The applicants have been working with Town staff during the annexation process to ensure the proposal abides with the Development Code in all possible ways. The general design impacts (use, density, parking, etc.) of the mini-storage, which are not identified in the Code, are being addressed in the Annexation Agreement.

Mr. Michel (attorney for applicants) presented and noted that some negative impacts have been mitigated. The placement of the mini storage buildings are slanted from the road and helps the visual impact as seen from the Huron Road, and the front of the buildings look nicer with the added architectural interests and finishes. The second element is the trees and landscaping, and we committed to the extensive plantings during the PUD review heard by the Upper Blue Planning Commission in the County. We are committed to it here, too.

Mr. Allen opened the hearing to public comment.

Bobby Craig (resident on County Road 450): Asked if a development plan approval is required to get the master plan approved. (Mr. Mosher: Technically you do annexation, then master plan, then development plan in that order. The issues are complex enough here that we wanted to make sure that concerns of the Commission could be addressed in the annexation plan. We also wanted to respect the applicant's time-line as best we could. That is why these applications are being heard concurrently.)

There was no additional comment and the hearing was closed.

Commissioner Questions/Comments:

- Mr. Bertaux: Have you discussed snow melt systems with the developer? (Mr. Mosher: Yes. We also discussed snow hauling and other drainage solutions.) As far as landscaping, there are several established trees on the site, please save any that you can. On the southeast corner of the storage units, if snow stacking is an issue you might pull some landscaping around the dumpster to provide more room for stacking. Will this project require a model? (Mr. Mosher: It can be asked, and it can be either be built or computer generated to see human scale.) You might want to see the visual impact from the corner, and computer generated would be fine. The architecture is a step up for making it an attractive corner. Liked that there is a lot of rock in the façade. Thought the drive-through looked very good. Thought they could get a positive point or two for 5/R architecture, but project won't need to go fishing for points since it is already an approvable project. A heat system for snow storage might be something to look at. Thank you for the deed restricted units and the property dedication to the town.
- Mr. Lamb: Liked the architecture and the 50' setbacks from the road, and it will be a good gateway to the town. The storage buildings will be difficult to make attractive, but did think that it would be a benefit to the community and it is a necessary use. For a property like this, the landscaping that will be offered makes the site look good. Good start.

- Mr. Schroder: Can you please explain the stepping in the mini storage buildings? (Mr. Mosher pointed out the stepping on the building elevations. Each mini storage building will have a one-foot step and a ridge vent to accentuate the change in height.) Regarding the landscaping plan, do we expect to see this many trees, since this is a preliminary plan? (Mr. Mosher: Yes. The Land Use District 5 calls for a good buffer. Size, quantity and species are included in the plans.) Was not in favor of negative points for architecture. The buildings up front are beautiful. Perhaps the positive and negative balance each other out. Landscaping could help to block 7-Eleven, but agreed with Ms. Girvin's point. Hoped that the property owner and neighbors can work together. Wanted to make sure that the town's parcel will be addressed. Was also concerned with the turning impacts from County Road 450. How many storage units will be there? (Mr. Mickelson: There will be 256 spaces.) Make sure that drainage is addressed and that the town portion isn't getting swamped. Is the parking at the offices accessible to all public or will it be signed as private? (Mr. Michel: It will be posted as for patrons.) Thought ultimately it is a great application.
- Ms. Katz: Was optimistic that this property may finally develop! Liked the vehicular connection to the Summit Ridge Center. Glad that there will be some personal follow up with Ms. Campbell. The drive-through looks good. Also thought that for 5/R that positive points should be provided; in this case it balances out the mini storage which inherently is a metal structure. This architecture goes above and beyond many things in the county for offices.
- Mr. Pringle: On self storage, you enter a common door in each building to access from the interior? (Mr. Neely: yes.) Can a change of use be applied for? (Mr. Mosher: Yes, but it would be dealt with in the revision of the master plan and annexation agreement.) You talked about 125 aspen trees, 3" caliper. Thought multi-stem aspens would be important to include and should be added. (Applicant: Will do.) Was also in favor of some positive points for the architecture if staff agreed. Thought circulation and snow stacking issues needed to be worked out in detail for the mini storage. Since an internal hallway will be used for access for mini storage, could there be a clerestory window bringing in some natural light and ventilation which would also provide more interest to the architecture? The landscaping is great.
- Ms. Girvin: One of my concerns is what will happen with the access to the town's tract, if a left turn lane was needed to get into the site from County Road 450 (driving east on 450)? We need to accommodate the room for it now by widening Huron Road further back. (Mr. Neubecker: We will run this by the town engineer.) Had concerns with the landscaping and the businesses view from the Highway 9. With too much landscaping, people can't see the businesses. In 20 years from now, how will the businesses feel about that? Thought it was great, but people want visibility to their business. (Mr. Mosher: This is more professional office type building, rather than retail or restaurant, most people might look up the businesses the phone book.) (Mr. Bertaux: Is there an entry monument proposed?) (Mr. Mosher: It is noted on the plans and will be reviewed under a separate application.) Thought positive points for 5/R architecture would be great. Site plan for just the commercial, it seems that there will be a lot of parking. Can snow stacking be provided in the extra parking spaces? There are issues with snow storage and removal to be addressed and was not in support of any snow melt. Thought that would be a waste of natural resources. Thought this project needs to be the nicest storage facility in the county, so it needs to operate and function well. Thought there may be additional access issues that aren't now envisioned with conflicts of patrons using the internal spaces. Also thought that staff should go on site with Ms. Campbell (neighbor) and could potentially locate more landscaping on the northeast corner.
- Mr. Allen: Will the drive aisles in the storage area be wide enough for cars to pass each other? (Mr. Mosher: They are 20', so yes. Once established, it isn't an intensive use.) (Ms. Katz: You can get by with that amount of space in my experience with storage units elsewhere.) Have you looked at positive points for 5/R architectural compatibility? (Ms. Katz: Agreed.) (Mr. Neubecker: Keep in mind that there are metal mini storage buildings as a part of the same application.) (Ms. Katz: You can see the effort that is made with the other buildings and we should encourage that.) Since this is a class A application, if a buyer comes in and wants to make a change to these buildings what changes could they make? (Mr. Mosher: Staff would analyze if a change is requested, and a modification may be reviewed as a Class B or C. Applicant notes that they don't intend to do that.) Thought that the application was great. Thought the landscaping as presented warranted positive points. Was concerned with some kind of landscape buffering to Ms. Campbell's lot. Maybe some off-site landscaping could be discussed. Was also opposed to any snow melt systems. Supported the

negative three points for the mini storage, but they should get positive points for the commercial buildings under 5/R. If there was potential for pedestrian access from the town tract into the commercial tract it would be appreciated. Thought applicants were doing a great job.

TOWN COUNCIL REPORT:

No report was presented.

OTHER MATTERS:

Commissioner Discussion regarding the flexible zoning code allowing applicants to make up points using the path of least resistance:

Per her previous comment during the consent calendar agenda, Ms. Girvin provided an example of a home under construction that has excessive landscaping (spruces every 3' or so). In the long run the trees will not be able to survive and the owner was able to make up points for another issue.

Mr. Pringle and Mr. Bertaux noted that this has been an issue for years.

Ms. Katz: This is a good time to ask Council to look at this with the defensible space and other landscaping issues.

Mr. Pringle noted that in regards to landscaping, "better is better", not "more is better".

Mr. Neubecker noted that the code talks about good landscaping, improvement to the site, etc. not quantity of the landscaping. The language in the code gives the Planning Commission the opportunity to comment on landscaping and whether or not positive points are warranted. The Planning commission isn't required to assign positive points in those situations.

Ms. Girvin noted that it may help to provide larger scale drawings for review. Mr. Neubecker noted that the size could be increased to 11x17 if the commission would like it. Mr. Allen noted that you can zoom into the digital drawings.

Mr. Pringle asked whether or not Ms. Cram on town staff was a landscape architect that could review the plans. It would be helpful to understand what a good landscape plan is. (Mr. Neubecker: Yes, Jennifer Cram is consulted on landscaping plans with positive points recommended. It is the purview of the Planning Commission to review each site specifically and determine if points are warranted.) Mr. Allen noted that the commissioners aren't landscape architects and that the commission needs to listen to the experts.

Mr. Bertaux noted that the issue is not reading landscape plan, but what does this informal point analysis do? What weight does it carry? Mr. Mosher noted that if a staff is considering adding positive points, Ms. Cram is consulted to review the plan. Mr. Bertaux also noted concerns about what could have been done to change the driveway that began this discussion. Mr. Neubecker noted that staff has those conversations, and that the code is set up in a way to allow people to get points in another manner. Negative points can be assigned per the code also.

Mr. Neubecker noted that the code is set up to be flexible, and to mitigate any negative points with any positive points. We are working on updating the landscape policy and the points are proposed to change. Mr. Pringle asked whether or not you could either pass landscaping or not pass – they are the cheapest points you could buy. Ms. Katz noted that the Planning Commission can change the points during the plan review. Ms. Girvin noted that changing the point system would help. Ms. Katz noted that a middle ground would help. Mr. Bertaux noted that if Ms. Puester had included landscaping points as a question for the commission during the hearing that it could be addressed more readily.

Mr. Pringle had a question regarding the Legacy Place siding size. Staff noted that they will follow up.

ADJOURNMENT

The meeting was adjourned at 9:45p.m.

Rodney Allen, Chair