

## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Chair Moore. The meeting was a virtual electronic meeting through the Zoom platform, as a result of the COVID-19 pandemic.

### ROLL CALL

Christie Mathews-Leidal	Ron Schuman	Jay Beckerman	Tanya Delahoz
Mike Giller	Steve Gerard	Lowell Moore	

### APPROVAL OF MINUTES

With the below change, the March 16, 2021 Planning Commission Minutes were approved.

P. 2 on Brown Hotel – Ms. Leidal suggested Finding be added, but Chapin actually added it.

### APPROVAL OF AGENDA

With no changes, the April 6, 2021 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

### CONSENT CALENDAR:

1. Miller Master Plan 5<sup>th</sup> Amendment (CL), 13541 & 13545 State Highway 9, PL-2021-0097
2. 95 North Woods SFR (LS), 95 North Woods Lane, PL-2021-0059

Mr. Gerard: I have questions about the 95 North Woods project. We have an extremely long driveway, snaking into the side of the property with lengthy retaining walls. Why can't we come up to the other side of the home have less hardscape and retaining walls? And why don't we assess -2 points for extra disturbance?

Mr. Sponable: Would like to note that Planning Commission was sent a revised packet earlier today which removed finding 10 and 17 as those weren't applicable. I corrected references to the envelope. And there's a new finding number 10 regarding Aspen trees to be 50% multi-stem. Under finding 5 the date should read as today. North Woods lane property is interesting, the area is quite steep coming off of the road. Staff found that the driveway slope and length is necessary as it is shown at 8%. Access was limited as well since the western part of the property is an access easement not deeded to this property. We preferred this access as opposed to be being any closer to the intersection.

#### Angela Fedderson, Elevate Architecture:

Because of the 8% grade that necessitates the long driveway. We tried to mitigate it as much as possible.

Ms. Delahoz: The first page of the site plan is pulling the Louisville zoning code. Is that an error? (Ms. Fedderson: That is an error, yes.)

Mr. Giller: The solution to that would have been to lower the garage floor elevation. We see this quite a bit and I think it's because clients don't want too many steps between the garage and kitchen. We should look at pushing garage floors down. I think Mr. Gerard has a good point.

Mr. Gerard: The driveway design does not appear to be absolutely essential. In the past when we've had driveways this long, those lengths with retaining walls have always been -2 points. Seems like they got a freebie with the driveway with a lot of disturbance and no consequence. I like the project but it's a lot of disturbance.

Ms. Puester: If you're proposing a change to the point analysis I would call this off the Consent Calendar.

Mr. Gerard made a motion to call up the 95 North Woods SFR, seconded by Ms. Leidal. The motion was approved 7-0.

Ms. Fedderson:

We can certainly look at lowering the garage floor. There is living space that is aligned above it. It would mean a change of elevation between one part of the floor and the other half to align them. Or we can offset the points with another methodology. We have already increased the landscaping so I'd have to work with Mr. Sponable to see what that would look like. We could also look at the points in total. We already have quite a differentiation between the front door and garage, which is part of our concern to walk from the driveway to the door.

Mr. Schuman: I disagree with the need to change the point analysis, I think the staff assessment was correct. As we continue to mature as a town we are going to see tougher lots to build on. I think this is a reasonable driveway for this lot. The applicant has done a good job. It's not perfect, but it's a tough lot.

Mr. Beckerman: I had the same concerns as Mr. Gerard about the driveway. I believe it sets a dangerous precedent of having an excessive driveway with no ramification. I support the -2 points.

Ms. Delahoz: I'm with Ron on this one. As town continues to approach buildout we will continue to run into this issue and there's nothing we can do about it. The lots will have limitations and there's nothing we can do about it.

Ms. Leidal: I see both sides of this. I am concerned with the amount of grading and retaining necessary to reach the garage. I'm wondering if we can get more precedent information next time? Same amount of distance and disturbance, have similar driveways received negative points. You could consider losing the heating elements to make up the negative points.

Mr. Giller: I think this design could be improved. With respect to the applicant, she spoke to the floor levels between the second floor and the space above the garage but there's already a partial flight of stairs there. I truly would lower that garage floor to better fit the site.

Mr. Gerard: As a Planning Commission we've decided to let people decide what they want their driveway to look like. In the past 3 months we've had other submissions with exceptionally long drives and retaining walls and those got -2 points. For consistency, we should take the -2 points and work around them. We owe it to the others who have received -2 points to do the same thing with this project.

Mr. Moore: I agree with Ron and Tanya. Staff looks at this and I like to follow as close to staff recommendations as possible. On the other hand, I see the other side that others have taken the negative points. Christie's suggestion is functional to get around this. I'm not opposed but they should probably take the -2 points.

Mr. Gerard made a motion to continue the 95 North Woods SFR to a future meeting, seconded by Mr. Beckerman. The motion passed 7-0.

Ms. Leidal: I have questions about Miller. I understand Tract H is in two different Master Plans and this is a clean up. Tract H was designated for mixed use. Was any density calculated off or assigned to it? And note G says lots less than 5,000 sq. ft. are limited to 1,800 sq. ft. in size. That note would be applicable, correct? (Mr. LaChance: Regarding density, no, it does not have any density assigned to it specifically. There is just a total density allocation for the boundaries of the master planned area. We will make sure the applicant understands the 1,800 sq. ft. size limits.)

**FINAL HEARINGS:**

1. Howe Residence Landmarking, Restoration, and Garage Addition (CK), 106 S. French Street, PL-2020-0464

Mr. Kulick presented a proposal to locally landmark and rehabilitate an existing historic residence and add a garage with an accessory dwelling unit on the rear of the property. The following specific questions were asked of the Commission:

1. Does the Commission find the proposed office does not qualify as a bedroom?
2. Does the Commission have any additional questions or comments on the proposed project design?

*Commissioner Questions / Comments:*

Mr. Beckerman: Materials and colors look great. Easier to visualize. On PDS 9 says side yard parking allowed if there is no rear yard access. Does this apply to this project? PDS 125 says that rough sawn wood is inappropriate. Does that apply to the primary residence only? (Mr. Kulick: Yes, the rough sawn wood is only restricted from being on the primary residence. Because the rear parking is being the existing structure but since there is no rear access to the property so access from French St. is allowable. This condition is existing so we are supportive.) Should we add a finding to make sure this is not used as precedent? (Mr. Kulick: Up to the Commission but not really needed since it is clear if a project has alley access or not.)

Ms. Delahoz: The historic images are helpful to see deck railings and such. Are the solar panels still proposed? (Mr. Kulick: No, those are no longer proposed.) The proposed gate extended through the connector but the applicant was concerned about people walking across their property. Was the gate eliminated? (Mr. Kulick: It was changed based on Commissioner feedback.) I think that it should go back to what was proposed. They may have a real issue with people walking across their property.

Ms. Leidal: Agree with Ms. Delahoz on the fence. Would be supportive of extending the fence to define the yard. There is an overhang encroachment into the 10' rear setback. A finding should be added to address that. I don't believe that the office should not be counted as a bedroom. I grew up in a house that used a similar space as a bedroom. I don't feel that Title 4 Ch1 should be referenced as a bedroom definition. Has the definition of potential sleeping room been considered? This is a better definition. (Mr. Kulick: The number of bedrooms is largely driven by short-term rentals concerns and parking which is directly determined by bedrooms, not potential sleeping rooms.

Mr. Giller: I believe that the site plan and renderings are not completely matching. The site plan shows the fence continuing to the addition. I believe that is enough fencing to keep people out.

Mr. Gerard: I appreciate the changes to the bedroom area. I believe that definition clearly defines bedroom 3 as a bedroom. It looks like a 3 bedroom house and an ADU.

Mr. Schuman: No questions. Agree with Staffs bedroom definition.

Mr. Moore: No questions.

Lee Edwards, Architect:

Current fence does extend beyond the historic building, it was left off of the renderings to better show the new building. I have been up on each elevation and checked what sections are historic or not. The material on the south and west elevations have largely been replaced. No historic siding is being removed for the lifting and foundation process. We are not removing the windows from the historic structure. Only minor maintenance for better operation.

Jonathan and Amanda Jones, Owners:

Would like to comment on the office. The intent is to have a 3 bedroom house. Without dividing up the basement space it loses its functionality. Never will be a bedroom. Would like to have a home office space.

Mr. Moore opened the hearing to Public comment. No public comment was heard and the comment period was closed.

*Commissioner Questions / Comments:*

- Mr. Beckerman: All issues have been addressed. Great project. 1. Yes 2. No  
Ms. Delahoz: 1. Yes 2. No  
Ms. Leidal: Modification to condition 16 to say Howe Residence, new finding 8 to allow overhang encroachment. Finding 6 should not reference accommodation section of the code. 1. Yes 2. No  
Mr. Giller: 1. Yes 2. No.  
Mr. Gerard: 1. Yes 2. No. Nice job with the additional information.  
Mr. Schuman: 1. Yes 2. No. This is the desired result of the historic preservation conversation in the early 2000's.  
Mr. Moore: Better project. Like the connector element to break up the massing. 1. Yes. 2. No.  
Mr. Gerard: New finding 8 authorizing the roof overhang into the setback. Finding 6 to reference the office is not considered a bedroom under the Breckenridge Building Code.

Mr. Schuman made a motion to approve the Howe Residence Landmarking, Restoration, and Garage Addition. Mr. Gerard offered an amendment to the motion to approve, amending to include a new finding, #8, and revising finding #6, seconded by Mr. Beckerman. The motion passed 7 to 0.

6. The proposed lower level office space does not qualify as a bedroom under the definition of Bedroom under Section 4-1-8-1(A)(9) of the Town Code or as a Potential Sleeping Room under Section 8-1-4 of the Town Code. This home is approved as a 3 bedroom home with an accessory apartment above the garage.
8. The north wall of the residence is shown at 10'-6" away from the rear property line and the additional length of roof eaves extends to 9' - 6". Per Policy 9/A, Placement of Structures, "...in those instances where a violation of the town's building code is not created, bay windows, roof eaves and other similar projections may extend within any required yard up to a maximum of eighteen inches (18") with approval of the planning commission." In this instance the Planning Commission found the 1' encroachment of the proposed roof overhang acceptable.

#### **PRELIMINARY HEARINGS:**

1. Placer Flats Master Plan 1<sup>st</sup> Amendment (CL), 13445 State Highway 9 and 190 Stan Miller Drive, PL-2020-0045

Mr. LaChance presented a proposal to modify the existing Placer Flats Master Plan to change total density exceptions, parking space allocations, architectural guidelines regarding compatibility, the number of separate businesses allowed in one building, metal siding, roof materials, and roof form. The following specific questions were asked of the Commission:

1. Does the Commission agree that prior to the Final Hearing, the plat note #2 of the 2019 Placer Flats Subdivision plat should be modified to allow the use of 44 parking spaces by Lot 2 within the existing Private Access, Utility, Drainage, Parking, and Snow Storage Easement on Lot 1?
2. Does the Commission agree that prior to Final Hearing, the existing 2019 Easement and Maintenance and Cost-Sharing Agreement should be revised and recorded in order to reflect the additional 14 spaces on Lot 2?

#### *Commissioner Questions / Comments:*

- Ms. Delahoz: None.  
Ms. Leidal: Since we are adding additional surface area, when would we check for snow storage? (Mr. LaChance: That would be at the site plan level.) In regard to the parking matrix, the uses and ownership may change overtime so referencing the lot number only is better for future

- changes.
- Mr. Giller: None.
- Mr. Gerard: On the Master Plan plat it has the hatch marks on the parking spaces which are not hatched on the current plan. Is that what you were referring to be double hatching? (Mr. LaChance: Yes. The 11 spaces along Stan Miller should be hatched, similar to the southern and eastern spaces.) Agree that table should reference lots only, not name owners.
- Mr. Schuman: None.
- Mr. Beckerman: None.
- Mr. Moore: None.

Mark Provino, Architect: Most comments have been discussed already. Will work to clean up the plans.

Lindsay Newman, Norris Design: Nothing to add for now.

Mr. Moore opened the hearing to public comment.

Mr. Lee Edwards, Owner of 1802 Airport Rd.:

As a regular user of the BBC, I want to know why was this residential style road curve introduced into this commercial area? There is a safety issue with trucks going over the centerline. What does the Town Code say about large areas of asphalt and breaking it up with planting areas? (Mr. LaChance: Can't speak to the road design, because that is outside the scope of this Master Plan amendment. There is a requirement for screening of parking lots in the Code, which is more appropriate to discuss with the site plan level development permit application hearing to follow this master plan discussion.)

The comment period was closed.

*Commissioner Questions / Comments:*

- Ms. Leidal: Glad to see this moving forward. 1. Yes 2. Yes.
- Mr. Giller: 1. Yes 2. Yes.
- Mr. Gerard: 1. Yes 2. Yes
- Mr. Schuman: 1. Yes 2. Yes
- Mr. Beckerman: 1. Yes 2. Yes
- Mr. Moore: 1. Yes 2. Yes
- Ms. Delahoz: 1. Yes 2. Yes

2. Breck Central Market (CL), 190 Stan Miller Drive, PL-2020-0044

Mr. LaChance presented a proposal to construct a 12,587 sq. ft. commercial building including 2,543 sq. ft. of office and 9,545 sq. ft. of commercial restaurant, as well as parking, landscaping, and realignment of the recreation path. The following specific questions were asked of the Commission:

1. Is the Commission supportive of allowing portions of parking spaces in the 150' Private Open Space Parcel?
2. Is the Commission supportive of positive three (+3) points under Policy 20/R for dedication of the easement and construction cost-sharing for the recreation path re-alignment?
3. Does the Commission agree with the preliminary point analysis?
4. Does the Commission have any other concerns?

Chris McGinnis, TOB Engineering:

Engineering conditionally approves of the recreation path proposal. Currently in conversation with the applicant's Engineer, path design is being changed and needs to be wider. The eastern curve of the path

would also need an easement. The construction cost will be shared, currently planning on utility work and rough grading. The final paving and grading will be on the applicant.

*Commissioner Questions / Comments:*

Mr. Giller: None.

Mr. Gerard: None.

Mr. Schuman: Does the Town usually cost share 50/50? (Mr. McGinnis: Not usually a hard number since it depends on the scope of work. Some determination on whether the development is increasing demand or not.)

Mr. Beckerman: None.

Ms. Delahoz: Does the applicant know what the costs will be ahead of time? (Mr. LaChance: Not sure but the details would be incorporated into a condition of approval at the final hearing. The cost is to be determined based on final civil engineering.) Concerned that the cost may be higher than the applicant would want to take on and they would not have an out.

Ms. Leidal: Maybe there be line items to better split the cost sharing. Did the original Master Plan receive points for the shared drive? Don't think they should double dip. Are the lot 1 parking spaces at the southern property boundary 3ft off of the property line? May need to receive negative points under Policy 7/R for lack of buffering. The code requires 50% of aspens to be multi-stem. The planting counts for +4 are low. (Mr. LaChance: We are considering that we do not have a lot of precedent for +4 for a commercial project under the recently revised Policy 22/R. The precedent is not necessarily commercial projects that have greater opportunities for landscaping. The recent precedent for non-residential projects that received +4 points listed in your packet is either Town owned property or Town projects.) Have concerns about precedent for hardscape in open space. I don't believe that it was mentioned that parking was encroaching into the Open Space. Are we creating precedent? (Mr. LaChance: Not creating precedent since this issue is specific to the plat note for this parcel. Precedent here would not apply elsewhere.) Maybe an additional finding in regarding Subdivision Standard 9-2-4-13. Use must be clearly allowed for the drainage area in the Master Plan plat note. (Mr. Truckey: The 3 spaces on lot 2 encroaching into the open space are only slightly in the open space. We had reviewed this previously and staff was comfortable with the minimal encroachment of paving. Now with the three space proposed to the north on Lot 1 we are seeing larger encroachments into the open space proposed.

Mr. Moore: None.

Lindsay Newman, Norris Design:

The few spaces to the south encroaching into the open space are well screened with an existing berm, little visual impact. We had talked with the town about the encroaching spaces on Lot 2 and decided that is was a lesser impact than encroaching on the bike path setback. We incorporated the traffic calming crossing of Stan Miller Dr. Will have more details for final.

Mark Provino, Provino Architecture:

Would like to clarify that the northernmost 3 parking spaces encroaching into the open space are related to the ability to give more space to the rec path. We think this is preferred. The encroachment ranges from 3' to 6'. Minor window and door revisions that were a result of interior modifications. The energy conservation point is determined once the systems are in place, so we will not have a balance and commissioning report prior to final hearing. We believe that we will have final cost sharing details in time for final hearing. The south existing parking on Lot 1 is 3' 2" from the lot line. Adding screening landscaping does not seem to be the right choice here since it serves as access to the building.

*Commissioner Questions / Comments:*

Ms. Leidal: Are the parking requirements just being met or are additional parking spaces proposed? (Ms. Newman: Will be right on at 159 spaces, so no additional parking is proposed beyond what is required.) Is it possible to put 2 parallel parking spaces where the 3 spaces are encroaching with an additional parallel space elsewhere on lot 1? (Mr. Provino: We could fit one space on the east side but with the longer space size requirement it is difficult to add more.) What is the bump-out next to the 3 spaces? (Ms. Newman: There is fire hydrant there that needs fire department access.)

Mr. LaChance: The 2019 Master Plan did not have points associated with it, so there is not an issue of double dipping with the +1 point for the shared driveway with this application. The buffering along the north is minimal since commercial only has a 1' setback. Buffering is reviewed under Policy 7/R and that was a consensus item at the last 2 hearings. The subdivision standard mentioned by Ms. Leidal may not apply here because this is not a subdivision permit application. We would need a letter from an Engineer that the proposed building could meet the required energy savings, but Mr. Provino is correct that a balance and commissioning report would not be required until the issuance of the Certificate of Occupancy.

Mr. Moore opened the hearing to Public comment. No public comment was heard and the comment period was closed.

*Commissioner Questions / Comments:*

Mr. Gerard:

1. I think we need a Town attorney opinion on the parking encroachment, similar to the Finding we make for roof eaves allowed into yards/setback requirements. Maybe consider angled or compact car parking to get a little less encroachment into the open space.
2. Yes. I did not support the +3 for the rec path previously, but can support that now with cost sharing now proposed. Think it should be 50/50 minimum for applicant since the easement is small.
3. No, I'm not in agreement with the +1 point for the dumpster and recycling enclosure being integrated in to the building. The landscaping should be really good to get landscaping points. Would like to get better landscaping on lot 1 and 2.
4. No comment.

Mr. Schuman:

1. Yes, I agree that we can allow portions of parking spaces to be allowed in the open space parcel. Like the considerations presented by Mr. Gerard.
2. Yes, I support +3 for the cost sharing of the rec path. Not sure if 50/50 is the right answer.
3. Agree with prelim point analysis.
4. No. I Support returning for Final.

Mr. Beckerman:

1. Does Policy 21/R address the open space question? (Mr. LaChance: No since that is speaking to the 30% minimum that is required for the site and we are considering the developable part of the lot to be the western portion outside of the open space.) Would like to see more effort made to minimize parking in the open space.
2. Yes, I am supportive of +3 points based on the cost sharing agreement.
3. No, I do not support +4 points under landscaping at this time.
4. Yes, I also have concerns with awarding +1 point for incorporation of the refuse enclosure into the principal structure.

Ms. Delahoz:

1. Yes, compact car parking is a great solution if possible but otherwise am supportive of a small encroachment.
2. Yes
3. Yes
4. No.

Ms. Leidal:

1. No, I do not support the encroachment. Concerned about precedent. Maybe with a Finding for compact car parking.

2. Yes. Cost share should include grading, paving, and signage at a minimum.
3. No, the project fails Policy 18/A, and do not agree with +4 under Policy 22/R for landscape plan. Don't agree with density and mass calculations.
4. Too much program on the site. Regarding my comment on the subdivision standard and open space, I was trying to provide more justification that the detention pond should be allowed.

- Mr. Moore:
1. Yes, I am supportive of minimal parking in the open space. Would defer to Mr. Truckey.
  2. Yes
  3. No, I do not agree with +4 points under Policy 22/R for the proposed landscape plan. We can get there.
  4. No. (Mr. Truckey: Code is clear on parking size requirement. A master plan could allow deviation from the code so that may be an option since the Master Plan is being modified currently, if the commission is supportive.
- Mr. Giller:
1. No, the parking spaces should be within the developable envelope.
  2. Yes
  3. No, the landscape plan is not worthy of +4 points under Policy 22/R.
  4. Consider additional amenities for bikers. I agree with Mr. LaChance on the energy conservation.

**OTHER MATTERS:**

1. Town Council Summary

Ms. Puester:

Council discussed the Gold Flake SFR and there was concern about it being an ADU or STR but did not call it up since it meets the code. They want to have a work session with the Planning Commission to discuss code changes around the end of May. The council is looking to go to in person meetings sometime in May. If we are meeting in person, we want everyone to be vaccinated. Staff is coming back with more info on STR licenses and units turning over to become STRs. A moratorium is being considered by the Council. Will be talked about on April 27<sup>th</sup>. The Amenity club policy was discussed and the policy will require commercial density for amenity clubs and that will also apply to timeshare properties. We are currently defining group size for the per day allowance. Brief conversation about the Main St. closure. (Mr. Gerard: The STR roundtable is already scheduled for April 16<sup>th</sup>.)

2. Class D Majors Q1 2021 (Memo Only)
3. Class C Subdivisions Q1 2021 (Memo Only)

**ADJOURNMENT:**

The meeting was adjourned at 8:48 pm.

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Lowell Moore, Chair