

PLANNING COMMISSION MEETING

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

ROLL CALL

Mike Giller	Jay Beckerman	Mark Leas	George Swintz
Tanya Delahoz	Steve Gerard	Allen Frechter	

All Commissioners were present.

APPROVAL OF MINUTES

With the below changes, the March 1, 2022 Planning Commission Minutes were approved.

Mr. Swintz: Page 4, spoke in double negative, trying to agree with Steve's comments about mass of garage. Should reflect that I agreed that mass of the garage was too large.

APPROVAL OF AGENDA

With no changes, the March 15, 2022 Planning Commission Agenda was approved.

PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- None.

CONSENT CALENDAR:

1. Britton Addition (SVC), 33 Rounds Rd., PL-2022-0034

Mr. Gerard: Report describes lot as not having an Envelope. How is that possible? (Mr. Kulick: A few of the lots in the early filings of the Highlands do not have envelopes.) We had another project not very far from this lot that had an envelope, so I was surprised.

Mr. Leas: Was that primarily on larger lots? (Mr. Kulick: I do not know why exactly. It could be that there are not environmental concerns regarding trees or topography). (Mr. Marc Hogan: I recall it was for preservation of vegetation.)

Mr. Swintz: I have a question on Britton. Are they relocating trees? (Mr. Kulick: Explained proposed tree relocation.)

2. Gulley Residence (SVC), 467 Hamilton Ct., PL-2022-0027

Mr. Gerard made a motion to call up the Gulley Residence, seconded by Mr. Frechter. The motion was approved unanimously and the project was called up.

Commissioner Questions / Comments:

Mr. Frechter: Was it reviewed for the ADU regulations? Downstairs has several elements that might qualify for ADU. Stairs look like they go up to the deck. Curious if east side. (Mr. Kulick: It has a wet bar in a theater room, fairly typical layout for a common area floor plan, pretty roundabout way of getting to parking area. Sliding glass door. In a large family room and bedroom winds, seems like fairly typical place for wet bar location. Connected to rest of house. Did not think it qualifies as an ADU per the definition. Seemed pretty straight forward.) If staff is comfortable with it, I am too.

Mr. Beckerman: Would points between multiple sections of 7/R be unprecedented for negative points? (Mr. Kulick: Once you get into the envelope, we do not have any precedent for area that is disturbed. That is the point of disturbance envelopes, it can be filled by a house or other improvements like patios, decks, hot tubs, etc. We allow parking areas outside of the envelope if it is allowed by the plat. This project has the parking area within the envelope.

We did not want to give them additional negative points for having parking inside the envelope, which is allowed to have disturbance. That is not the intent of 7/R. Having this come back in under new revisions to the Policy, it really fits solidly within -2 range compared to other projects. There is always a little bit of apples to oranges comparison with other projects. Some lots are sparsely vegetated, some are densely forested. Looking at written data does not always tell the complete story. Rocha research influenced our recommendation. Lots of internal discussion on this since last meeting. Explained reasons for driveway location.) Thought this would be a good case study. (Mr. Kulick: Marc Hogan is present and could perhaps provide some additional comments.)

Mr. Marc Hogan, Architect:

Cannot get drive to come off of cul-de-sac. Existing drive serves other home. Only way to get up hill. Driveway location is due to grade. Explained why wet bar did not create ADU.

- Mr. Swintz: For the Town's encroachment license agreements, the applicants have to build the improvements correct? Is that in our standard agreement? (Ms. Puester: yes).
- Mr. Giller: Why are we seeing construction documents? (Mr. Kulick: Perhaps because it was a previously approved project but never built.)
- Mr. Gerard: Driveway could have been brought into the lower level of house. Realize they have the right to work with development code. This could have been a very short driveway and we would not have to worry about site disturbance.
- Mr. Giller: Agree with Mr. Gerard.
- Mr. Beckerman: Easy lots have already been snagged up. We will see this more and more. Happy to see code revisions work the way they are supposed to. Precedent will serve us and the town well. Glad we called it up.

Mr. Swintz made a motion to approve the Gulley Residence, seconded by Mr. Leas. The motion passed unanimously.

OTHER HEARINGS:

1. Rocha Residence (SS), 518 Golden Age Drive, PL-2022-0035 (Continued from the March 1, 2022 Meeting)

Ms. Szrek presented an overview of the proposal to build a new 6,866 sq. ft. single family residence with 7 bedrooms and 8 bathrooms, including updates to the project since the last meeting.

Commissioner Questions / Comments:

- Mr. Giller: I was not present at last meeting. Was engineer's letter attached? (Stefi: Deeper Green did provide a letter.)
- Mr. Swintz: Regarding number of parking spaces. Proposing 7 and only 6 required. Did move utilities that I requested so that is good because it avoided taking out trees out front. They have not labeled sanitary sewer. Sewer and water are close together so maybe that changes with the building plans. Utilities under address bollard.
- Mr. Beckerman: Renderings of slopes look like retaining walls. What is the driveway slope near garage? (Ms. Puester: 4%) Snow storage functional next to garage?

Zane Levin, Collective:

Modeling is typical. Not retaining walls. Slope is actually called on driveway. 4% slope near garage. Utilities: we are open to adjusting that to provide more separation. We will look at that. We don't see depth for address bollard being an issue but could adjust. Snow storage is intentionally designed up near the house because that is where it is the most functional.

- Mr. Leas: You addressed the snow storage. Needs to be dealt with a snowblower and should be fine. It's the way I do it at my house, works well.
- Mr. Frechter: I would propose -4 instead of -2 for driveway site disturbance. It looks like we are getting precedent creep. So -6 total. Amount of trees in combo with amount of hardscape. (Mr. Kulick: There seems to be precedent creep for awarding negative points for driveways within the disturbance envelope where that was not the intent of Policy 7/R. When the Highlands was first developing, the intent was going after multiple switchbacks driveways that would also have a cleared view. This is different because you are snaking around but still preserving trees. This is a heavily wooded lot, thus more trees to be removed for same scope of project. Context is important. Adjacent to Town owned open space with 70-80% trees removed for wildfire mitigation. Landscaping outside defensible space zone will be noticeable from public trail. Diversity is important.)
- Mr. Beckerman: Will this be first example of 2 categories with negative points under 7/R? (Stefi: No, for SFR there have been points under driveways and retaining walls, but nothing else).
- Mr. Gerard: I called this up at last meeting. I think we ought to always pay attention to tree loss with wildfire mitigation. I agree with Mr. Frechter that it should be -4. Referred to plans. Meets code but it should get -4 because driveway disturbance is unnecessary.
- Ms. Delahoz: As we continue to develop, we are going to have steeper lots that are not flat. Appreciate staff's research.
- Mr. Beckerman: Points brought up are valid and appreciate thought process. Tipping point. More of these or scrapes are what we are seeing in future years. My hope is that Commissioners will continue this process and be consistent. Would love to get staffs' opinion about coming around side of the house, if that was not mandatory to do so. (Mr. Truckey: We are getting into a redesign and instead should focus on the point analysis. Staff believes it is more in the -2 realm. Understand this is not entirely clear-cut.) Polled the Commission on driveway and site disturbance.
- Mr. Swintz: Need to document why we choose points for sake of precedent. Issue of code allows main level access for same level as garage. We are not supposed to design the project. Suggest total point analysis of -6 for 7/R, including -4 for driveway disturbance.
- Mr. Giller: We have seen this before where driveway goes around back so they don't have to walk up steps. -6 total for 7/R, with -4 for driveway disturbance.
- Mr. Gerard: -4 for driveway disturbance
- Mr. Frechter: -4 for driveway disturbance
- Ms. Delahoz: -2 for driveway disturbance
- Mr. Leas: -2 for driveway disturbance. If you have a subdivision down in Denver, everything is same. Every lot is different with varied terrain in this subdivision. We need to say when it is a unique lot. Precedent should not trump that. Support point analysis.
- Mr. Beckerman: -2 Not our job to design. Use what is existing precedent. Support point analysis.
- Mr. Gerard: I am not saying they don't have the right to do this. We are going to be faced with two types of projects. This project has a design option to make huge disturbance, long driveway, huge driveway. They can design it that way but they ought to pay the price for it. This is not a lot where they have to do this. Not talking about redesigning.

Mr. Gerard made a motion to amend the point analysis by assessing -4 points instead of -2 for excessive disturbance for driveway, totaling the negative points to -6, seconded by Mr. Frechter. The motion passed 4-3.

Mr. Gerard made a motion to approve the Rocha Residence with a passing score of +2, seconded by Mr. Frechter. The motion passed unanimously 7-0.

COMBINED HEARINGS:

1. Rip's Ride Chairlift Replacement (CK), 1501 Ski Hill Rd., PL-2022-0033

Mr. Kulick presented a proposal to replace the existing two-person Rip's Ride chairlift and terminal on Peak 8 with a new detachable grip 4 passenger lift in the same location.

Commissioner Questions / Comments:

Mr. Swintz: Are we approving the color? (Mr. Kulick: Yes) It is the right color. The new rips ride will allow people to ski the skiway back to town instead of skiing the Gondola. Are we approving fencing with this application? (Mr. Kulick: Lift will get approved by CO Tramway Board. Details to be flushed out there. Explained details on plans.) Does it still allow us enough traffic around the back of it? (Mr. Kulick: it is design to have that traffic coming down from the magic carpet. There is a bit of grade getting people up there. This is the lift that is in the most need of improvement for some time.) It would be interesting to confirm the number of towers.

Mr. Giller: The new lift has 7 larger towers per the plans. The existing one has 17.

Mr. Frechter: It looks like the top terminal is further up the mountain. Are they going to be doing some grading? (Mr. Kulick: There will not be much grading for the run itself. The ski area thinks this will be an attractive lift to get back to Town versus the gondola. However, we needed more info before we would recommend positive points for internal circulation.)

Mr. Jim Testin, Breckenridge Ski Resort:

We are going to be able to get the grade to the east to 8%, which is the minimum grade for skiing back to Town.

Mr. Giller: Will you let the public know about the new way? (Mr. Testin: The more we can utilize the skiway, that is best. More signage will be used to inform skiers and this will hopefully take pressure off the gondola.)

Mr. Leas: Any plan to widen narrow section? (Mr. Testin: Yes.)

Mr. Gerard: Essential upgrade.

Mr. Beckerman: Overall goal is to get more beginner skiers to help keep industry alive. This is great move. Not forcing little kids to go by themselves on the lift. Happy to see less poles to be used. Another way to get to gondola lot.

Mr. Swintz made a motion to approve the Rip's Ride Chairlift Replacement, seconded by Mr. Giller. The motion was approved unanimously.

TOWN PROJECTS:

1. Logan Thompson Sculpture Relocation (JP), 880 Airport Rd., PL-2022-0057

Ms. Puester presented a proposal to locate the Logan Thompson Memorial Sculpture to the Southeast of the Rec Center, between the Blue River and downhill from the stone "Welcome to Breckenridge" sign.

Commissioner Questions / Comments:

Mr. Beckerman: How far off Highway 9 is this? Are we encouraging more people to pull off like they do for the Welcome sign. (Ms. Puester: Guessing at least 90 ft., so I do not anticipate more people pulling off for the sculpture since it is downhill.)

Mr. Gerard: Great location. Visible from Rec Center.

Mr. Swintz: Exciting location.

Mr. Leas: I like the location.

Mr. Beckerman: I support.

Ms. Delahoz: In full support.

Mr. Gerard made a motion to recommend approval of the Logan Thompson Sculpture Relocation to the Town

Council, seconded by Ms. Delahoz. The motion passed unanimously 7-0.

WORK SESSIONS:

1. Ms. Szrek presented a work session on the proposed parking code amendments, which would set maximum parking allowances and allow for shared parking agreements.

Commissioner Questions / Comments:

- Mr. Gerard: Suggest adding under pedestrian pathway definition discussion on “with appropriate lighting”.
- Mr. Giller: Are we requiring two spaces for a dorm room, hotel, or lodging room? (Stefi: Commissioners decided 120% of the minimum was too much. That is maximum. Numbers are rounded up and this comes into play when you have multiple units we are addressing.)
- Mr. Swintz: What is the ultimate goal of limiting the maximum parking? (Stefi: To avoid large unused parking lots. Meeting town goals for more boots and bikes and to decrease car usage. This is just a step in that direction. Also to decrease amount of impervious surface.) (Mr. Truckey: Water quality benefits of less impervious surfaces. Just had East Peak 8 Hotel, which proposed an excess of parking spaces. There are situations where it is not appropriate.)
- Mr. Swintz: On a smaller scale, are we going too far in limiting what a SFR could do? (Ms. Szrek: This would only apply to commercial and multi-family residential outside the service area). Do we consider motorcycles motor vehicles? Should we define the size of parking space? (Ms. Szrek: Already defined. Motor vehicle would apply to motorcycle.)
- Mr. Beckerman: I am curious to see how this would be applicable to the non-profit center, where you are building one piece with intention of building daycare using parking lot but further stage. (Mr. Kulick: I think it does. Nonprofit campus is all on the same parcel. If further subdivided, this would allow two uses to share parking. Greater flexibility without having to do a Development Agreement.) What is typically the process for a shared parking agreement? (Mr. Kulick: When originally part of one property.) (Mr. Truckey: With new proposal, parking could be met using same parking spaces instead of separate spaces.) My motivation is to encourage shared parking agreement.
- Mr. Swintz: The agreement is recorded against the property, correct? (Ms. Szrek: yes, as per the section on requirements for shared agreements).

The Commission unanimously supported the proposed Code amendments.

OTHER MATTERS:

1. Town Council Summary. Mr. Truckey gave an update on the last Town Council meeting with Ms. Puester giving an update on the Comprehensive Small Cell project.
- Mr. Giller: I worked for four years in the telecom industry. I applaud you for getting ahead of the technology for the sake of the character of the Historic District. (Mr. Gerard: Is the Park Service dealing with this?) Yes, Julia and I spoke about this over a year ago. We are struggling with it too in the Park Service. In reality, they can be located in the Parks and there is little we can do about it. We have a little bit of jurisdiction but we cannot prohibit it either.
- Mr. Beckerman: Do the poles go up prior to the provider asking for them? (Ms. Puester: No, a provider has to sign on before the poles can go up.)
- Mr. Leas: Would Verizon or ATT have the right to come in and put their own fiber in our right-of-ways? (Ms. Puester: Yes, they could also use someone else’s fiber if they did their own poles.)
- Mr. Swintz: What are the deal points? Is the Town making money off of this? (Ms. Puester: We are working through the Agreement with NeuComm now so I don’t have details at this time.

They have committed to using our fiber.)

ADJOURNMENT:

The meeting was adjourned at 7:42 pm.

Jay Beckerman, Chair